

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CORRADO'S WINES & LIQUORS, INC.)

a New Jersey Corporation, Opposer)

v.)

CAPUTO 1890 s.r.l.)

a Corporation of the Italian Republic, Applicant)

) **Opposition No.:**) **Serial No.: 85/453,781**) **Mark: CORRADO CAPUTO 1890**) **Filed:**) **Publication Date: April 3, 2012****OPPOSITION**

To the Hon. Commissioner of Patents and Trademarks:

In the matter of the application of **CAPUTO 1890 s.r.l.** (hereinafter called Applicant) for registration of the trademark **CORRADO CAPUTO 1890**, Application Serial No. 85/453,781 published in the *Official Gazette* of April 3, 2012. **CORRADO'S SPECIALTY GOODS, INC.**, a New Jersey Corporation, with offices at 1578 Main Avenue, Clifton, New Jersey 07011, (hereinafter called Opposer), believes that it will be damaged by registration of the mark shown in Serial No. 85/453,781 and hereby opposes the same. 07/31/2012 SWILSON1 00000025 85453781

The grounds for opposition are as follows:

01 FC:6402

300.00 OP

1. Opposer is and has since 1980 been engaged in the retailing and wholesaling of beer, wines and liquors. In connection therewith Opposer has used in interstate commerce the trademark **CORRADO'S**, since July, 1980, well prior to Applicant's date of first use of the trademark **CORRADO CAPUTO 1890**.

2. Opposer owns federal trademark Application No. 85/571,466 for the trademark **CORRADO'S** for Services in International Class 035, namely: retail and wholesale store services featuring beer, wine and spirits. A true copy of said Application is attached hereto as Opposer's Exhibit A.

MAILING CERTIFICATE

I hereby certify that this correspondence is being e-filed on the date sign below, or is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

Trademark Trial and Appeal Board

U.S. Patent and Trademark Office

P.O. Box 1451

Alexandria, VA 22313-1451

Signature: Siegmar Silber**SIEGMAR SILBER, 26,233**Date: July 25, 2012

3. The Opposer hereof is part of the Corrado family enterprises which own CORRADO'S trademarks shown in Exhibit B. Additionally, another entity, Corrado's Specialty Goods, Inc., is filing of even date herewith an Opposition to the registration of the CORRADO CAPUTO 1890 mark based on the ownership of Registrations 1,866,095 and 3,131,690. For purposes of clarity, where both Opposers are discussed, the undersigned is referred to as "Opposer Wines and Liquors" and the trademark registration owner as "Opposer Specialty". The sale of wines under the brand CORRADO CAPUTO 1890 creates confusion as to source of goods as Applicant's goods would appear to be a private label of the wine store. See Exhibit C.

4. Opposer's services proffered under the CORRADO'S trademark have been extensively and continuously offered to the public through various channels of trade, including retail distribution especially distribution to wine consumers. Opposer has also extensively promoted its products and services under said trademarks throughout the United States in local media and trade publications. By reason of such promotion, advertising and distribution of Opposer's goods bearing said trademarks, the retail and wholesale publics have come to recognize CORRADO'S as signifying the Opposer as the source for wines and liquors. See Exhibit D. Further, Opposer has created extensive good will in connection with the sale of goods and services under its said trademarks.

5. Notwithstanding Opposer's prior rights in and to said trademarks, Applicant on information and belief on October 12, 2011 filed an application for registration of the trademark CORRADO CAPUTO 1890 for goods, namely,

in International Class: 033 : wines

said Application was provided Serial No. 85/453,781 and the mark was published for opposition in the **Official Gazette** of April 3, 2012.

6. Registration of the proposed mark should be refused because of a likelihood of confusion with the marks in Trademark Application Serial No. 85/571,466 and in U.S. Registration Nos. 1,866,095 and 3,131,690 of Opposer Specialty. Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 *et seq.* See the enclosed registration. Trademark Act Section 2(d) bars registration where an applied-for mark so resembles a registered mark that it is likely, when applied to the goods and/or services, to cause confusion, mistake or to deceive the potential consumer as to the source of the goods and/or services. TMEP §1207.01. The Court in ***In re E. I. DuPont de Nemours & Co.***, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), listed the principal factors to consider in determining whether there is a likelihood of confusion. Among these factors are the similarity of the marks as to appearance, sound, meaning and commercial impression, and the relatedness of the goods and/or services. The overriding concern is to prevent buyer confusion as to the source of the goods and/or services. ***In re Shell Oil Co.***, 992 F.2d 1204, 1208, 26USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt as to the existence of a likelihood of confusion must be resolved in favor of the registrant. ***In re Hyper Shoppes (Ohio), Inc.***, 837F2d 840, 6 USPQ2d 1025 (Fed. Cir. 1988); ***Lone Star Mfg C. v Bill Beasley, Inc.*** 498 F.2d 906, 182 USPQ 368 (C.C.P.A. 1974).

7. It is noted that in addition Opposer Wines and Liquors has appended trademarks, U.S. Registration Nos. 1,866,095 and 3,131,690, which are owned by a related entity, Opposer Specialty. See Exhibit E.

8. The marks are similar in appearance, sound, connotation and commercial impression. The first word in the applicant's mark, CORRADO, is very similar to Opposer's Application Serial No. 85,571,466, i.e. CORRADO'S, and to the word that comprises the mark in the other cited Registration Nos. 1,866,095 and 3,131,690, Application No 85/571,466, i.e., CORRADO'S. The fact that CORRADO in the applicant's mark is not in possessive form while the corresponding portions of the cited marks are in possessive form is a minor difference that does not obviate the likelihood of confusion.

9. In the referenced registration, Registration No. 1,866,095, CORRADO'S is followed by other wording, i.e., FAMILY AFFAIR, the inclusion of which does not overcome the likelihood of confusion. The mere deletion of wording from a registered mark is not sufficient to overcome a likelihood of confusion under Section 2(d). See *In re Optica Int'l*, 196 USPQ 775 (TTAB 1977) (where applicant filed to register the mark OPTIQUE for optical wear, deletion of the term BOUTIQUE is insufficient to distinguish the mark, *per se*, from the registered mark OPTIQUE BOUTIQUE when used in connection with competing optical wear). In the present case, the wording in applicant's mark does not create a distinct commercial impression because it contains the same common wording as registrant's mark, and the other wording does not distinguish it from registrant's mark.

10. Additionally, the inclusion in Applicant's mark of letters in stylized form while the cited marks are simply typed marks does not obviate the likelihood of confusion. When a mark consists of a word portion and a design portion, the word portion is more likely to be impressed upon a purchaser's memory and to be used in calling for the goods and services. Therefore, the word portion is normally accorded greater weight in determining likelihood of confusion. *In re Dakin's Miniatures Inc.*, 59 USPQ 2d, 1596 (TTAB 1999); *In re Appetito Provisions Co.*, 3 USPQ2d 1553 (TTAB 1987); *Amoco Oil Co v. Amerco, Inc.*, 192 USPQ 729 (TTAB 1976); TMEP §1207.01(c)(ii).

11. Furthermore, the goods and/or services in conjunction with which the marks are used or are intended to be used are identical or are related. Here, Opposer posits that wines of Applicant are related to "retail and wholesale store services featuring wine" of Opposer. When the oppositions of the Corrado family enterprises, namely that by Opposer Wines and Liquors and by Opposer Specialty, are taken together the Opposers' position is strengthened as wine grapes, wine-making equipment and wine competitions are added. It is noted that food products and food-related services have been considered related goods and services under Section 2(d). Here the relationship comparison is analogous, namely, between wines and wine grapes, wine-making equipment and retail services in connection therewith. *In re H.J. Seiler Co.*, 289 F.2d 674, 129 USPQ 347 (C.C.P.A. 1961) (likelihood of confusion between SEILER'S catering services and SEILER'S smoked and cured meats); *In re Opus One Inc.*, 60 USPQ2d 1812 (TTAB 2001) (likelihood of confusion between OPUS ONE for restaurant services and the identical mark for wine); *In re Comexa Ltda.*, 60 USPQ2d 1118 (TTAB 2001) (likelihood of confusion between AMAZON for restaurant services and AMAZON and design for chili sauce

and pepper sauce); *In re Azteca Restaurant Enterprises, Inc.*, 50 USPQ2d 1209 (TTAB 1999) (AZTECA MEXICAN RESTAURANT for restaurant services held likely to be confused with AZTECA for Mexican food products); *In re Golden Griddle Pancake House Ltd*, 17 USPQ2d 1074 (TTAB 1990) (GOLDEN GRIDDLE PANCAKE HOUSE for restaurant services held likely to be confused with GOLDEN GRIDDLE for table syrup; *In re Mucky Duck Mustard Co. Inc.*, 6 USPQ2d 1467 (TTAB 1988) (likelihood of confusion between MUCKY DUCK with duck design used on mustard and MUCKY DUCK with duck design used on restaurant services); *In re Appetito Provisions Co Inc.*, 3 USPQ2d 1553 (TTAB 1987) (likelihood of confusion between APPETITO and design used on Italian sausage and A APPETITO'S with sandwich design used on restaurant services); *In re Best Western Family Steak House, Inc.*, 222 USPQ 827 (TTAB 1984) (likelihood of confusion between BEEFMASTER used on restaurant services and BEEF MASTER used on frankfurters and bologna); *Roush Bakery Prods. Co v. Ridlen*, 190 USPQ 445 (TTAB 1976) (likelihood of confusion between HILLBILLY and design used on bread and HILLBILLY RESTAURANT used on restaurant services); *In re Pick-N-Pay Supermarkets, Inc.*, 185 USPQ 172 (TTAB 1974) (likelihood of confusion between PICK-N-PAY used on grocery items and supermarket services and PIK-N-PAY used on cafeteria services).

WHEREFORE, Opposer believes that it will be damaged by said registration and prays that it be **denied**.

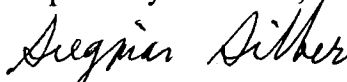
This Opposition is being submitted in triplicate as required by 37 C.F.R. §2.102(d).

The filing fee of this Opposition in the amount of \$300.00 is enclosed.

Please respond to:

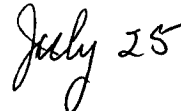
Siegmar Silber, Esq.
SILBER & FRIDMAN
1037 Route 46 East, Suite 207
Clifton, New Jersey 07013
Tel: (973) 779-2580 Fax: (973) 779-4473

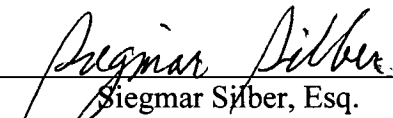
Respectfully submitted,


Siegmar Silber, Esq.
Registration No. 26,233
Attorney for Opposer

CERTIFICATION

I, Siegmar Silber, Attorney for Opposer, hereby certify that a copy of the above Opposition has been mailed to the Applicant's representative.

Date:  , 2012


Siegmar Silber, Esq.
Attorney for Opposer

tmapps/corrad0301opposition.notice

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-03-23 14:16:23 ET

Serial Number: 85571466 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

CORRADO'S

(words only): CORRADO'S

Standard Character claim: Yes

Current Status: New application will be assigned to an examining attorney approximately 3 months after filing date.

Date of Status: 2012-03-20

Filing Date: 2012-03-16

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 042 -New Application Processing

Date In Location: 2012-03-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CORRADO'S WINES AND LIQUORS, INC.

Address:

CORRADO'S WINES AND LIQUORS, INC.

Exh. A

1578 MAIN AVE.
CLIFTON, NJ 07011
United States
Legal Entity Type: Corporation
State or Country of Incorporation: New Jersey

GOODS AND/OR SERVICES

International Class: 035
Class Status: Active
Retail and wholesale store services featuring beer, wine and spirits; Retail and wholesale liquor store services
Basis: 1(a)
First Use Date: 1980-07-30
First Use in Commerce Date: 1980-07-30

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-03-20 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

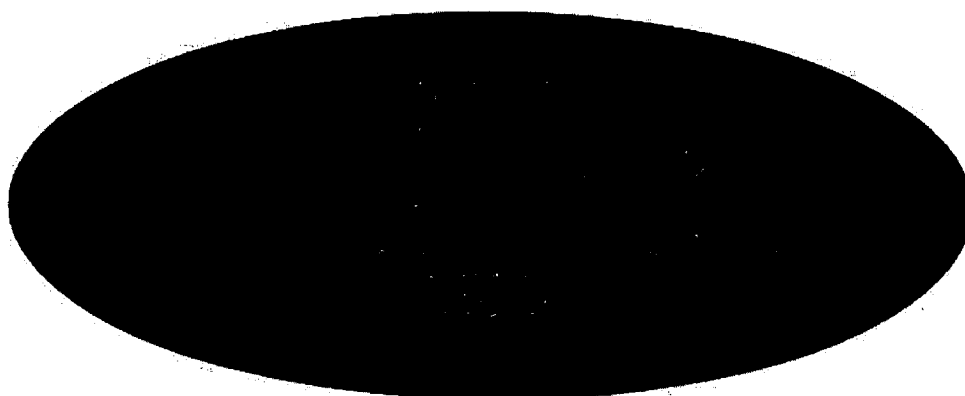
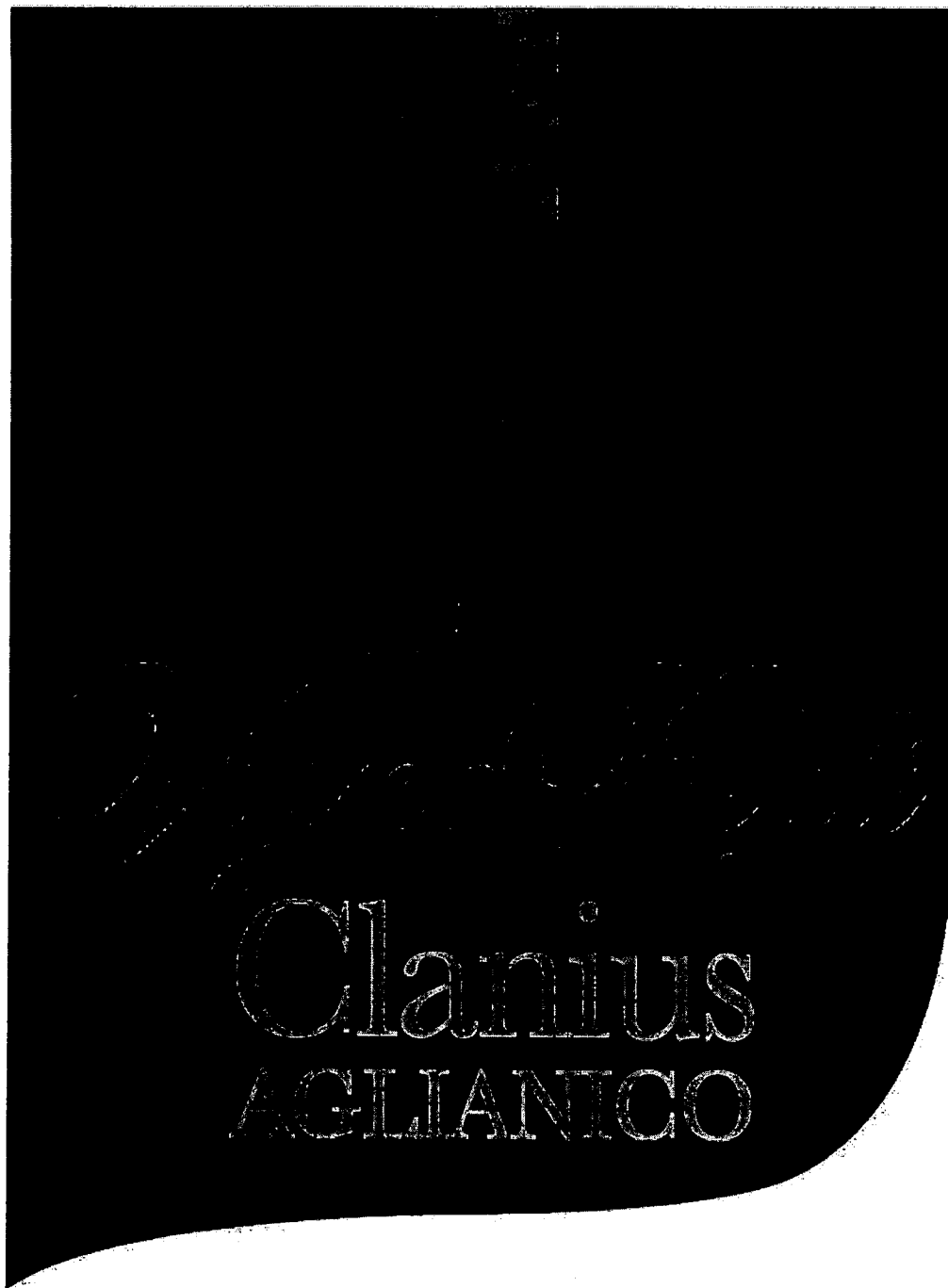
Attorney of Record
SIEGMAR SILBER

Correspondent
SIEGMAR SILBER
SILBER & FRIDMAN
1037 ROUTE 46 EAST
SUITE 207
CLIFTON, NJ 07013
Phone Number: (973) 779-2580
Fax Number: (973) 779-4473

CORRADO'S MARKS OWNED BY CORRADO'S FAMILY ENTERPRISES

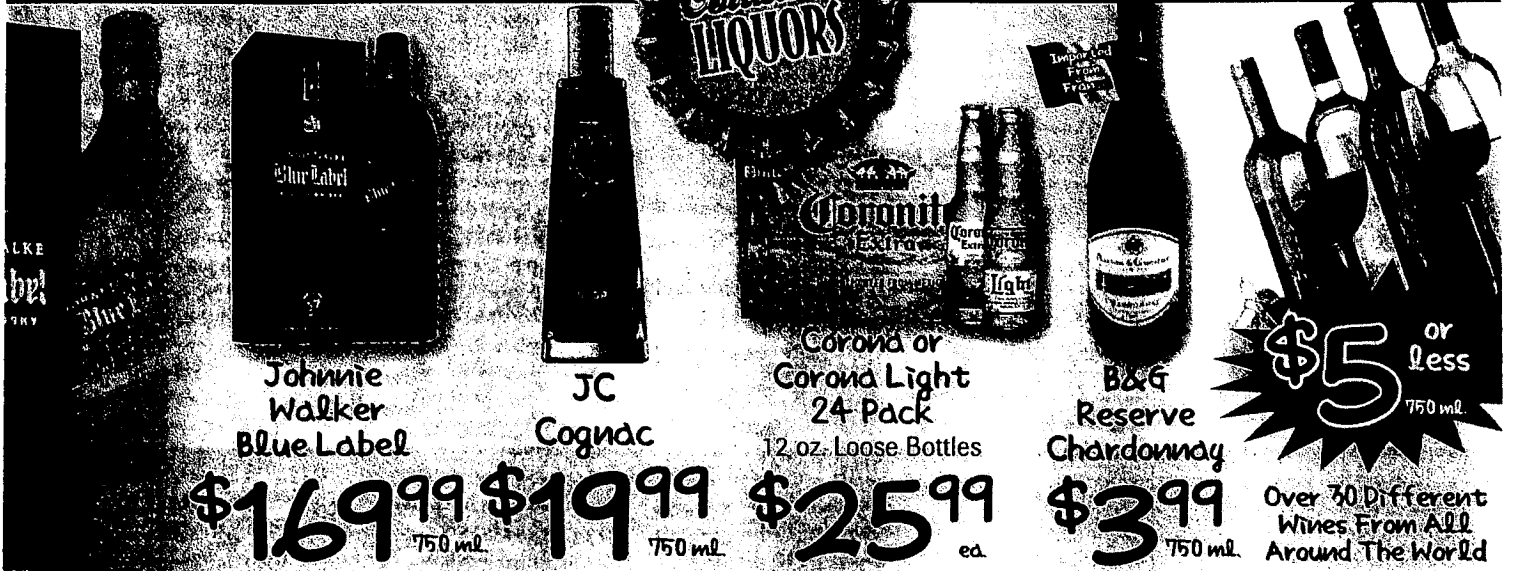
<u>Mark</u>	<u>Reg. No.</u>	<u>App. No.</u>	<u>Int'l. Cl.</u>	<u>Owning Entity</u>
Corrado's	N/A	85/571,466	035	Corrado's Wines & Liquors, Inc.
Corrado's	3,131,690	76/630,310	029, 031, 032, 035	Corrado's Specialty Goods, Inc.
Corrado's	3,895,797	76/702,835	035	Corrado's Garden Center, Inc.
Corrado's	3,858,629	76/700,070	035	Corrado's Pet Market, LLC
Corrado's	3,694,478	76,687,571	004	Corrado's Specialty Goods, Inc.
Corrado's	3,570,993	76/684,822	004, 037	CFA Gas, Inc.
Corrado's	1,883,758	74/468,951	030	Corrado's Specialty Goods, Inc.
Corrado's Family Affair	1,866,095	74/468,950	042	Corrado's Specialty Goods, Inc.

Exh. B



Exh.C

Main Ave., Clifton, NJ
340-0628



Coronado's LIQUORS

Johnnie Walker Blue Label
750 ml.
\$169⁹⁹

JC Cognac
750 ml.
\$19⁹⁹

Corona or Corona Light 24 Pack
12 oz. Loose Bottles
\$25⁹⁹ ea.

B&G Reserve Chardonnay
750 ml.
\$3⁹⁹

\$5 or less
750 ml.
Over 30 Different Wines From All Around The World

Exh.D

Int. Cl.: 42

Prior U.S. Cl.: 101

United States Patent and Trademark Office

Reg. No. 1,866,095

Registered Dec. 6, 1994

**SERVICE MARK
PRINCIPAL REGISTER**

CORRADO'S FAMILY AFFAIR

CORRADO'S SPECIALTY GOODS, INC. (NEW
JERSEY CORPORATION)
1578 MAIN AVENUE
CLIFTON, NJ 07011

FOR: RETAIL STORE SERVICES FEATUR-
ING FRESH FRUITS AND VEGETABLES,
BAKED GOODS, FRESH FISH AND MEATS,
SPECIALTY FOODSTUFFS; NAMELY, DOMES-
TIC AND IMPORTED TEAS, COFFEES,

CHEESES, AND LUNCHEON MEATS, IN
CLASS 42 (U.S. CL. 101).

FIRST USE 1-4-1960; IN COMMERCE
1-4-1960.

"CORRADO" IDENTIFIES A LIVING INDI-
VIDUAL WHOSE CONSENT IS OF RECORD.

SER. NO. 74-468,950, FILED 12-13-1993.

EVERETT FRUEHLING, EXAMINING ATTOR-
NEY

Exh. E

Int. Cls.: 29, 31, 32 and 35

Prior U.S. Cls.: 1, 45, 46, 48, 100, 101 and 102

Reg. No. 3,131,690

United States Patent and Trademark Office

Registered Aug. 22, 2006

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

CORRADO'S

CORRADO'S SPECIALTY GOODS, INC. (NEW
JERSEY CORPORATION)
1578 MAIN AVENUE
CLIFTON, NJ 07011

FOR: CHEESE PRODUCTS, NAMELY, WHOLE-MILK AND PART-SKIM MILK MOZZARELLA, AND WHOLE-MILK AND PART-SKIM MILK RICOTTA; PROCESSED VEGETABLES, NAMELY, CANNED STRAW MUSHROOM; CANNED BEANS, NAMELY, RED KIDNEY BEANS, CANNALINNI BEANS, AND CHICK PEAS; AND, PROCESSED TOMATO PRODUCTS, NAMELY, PEELED TOMATOES, CRUSHED TOMATOES, TOMATO PUREE, TOMATO PASTE; APPETIZERS AND CONDIMENTS, NAMELY, BLACK OLIVE PATE, ROASTED PEPPERS, AND BOTTLED AND CANNED RIPE OLIVES; COOKING AND SALAD OILS, NAMELY, VIRGIN OLIVE OIL; CORN OIL, BLENDED OIL, AND SALAD OIL; MEAT PRODUCTS, NAMELY, PACKAGED MEATS, CHICKEN PARTS, BACON BITS, SMOKED AND CURED HAMS, SOPRESATTA SWEET, SOPRESATTA HOT, CAPPICOLA SWEET, CAPPICOLA HOT, MILANO SALAMI, AND NOSTRANO SALAMI, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: GOODS FOR LANDSCAPING, NAMELY, LIVING PLANTS, SEEDLINGS, SOD, LIVE TREES AND BUSHES, MULCH, TOP SOIL, RAW BARK, FLOWER SEEDS AND BULBS, LIVE FLOWERING PLANTS, GRASS SEED, WREATHS OF DRIED FLOWERS AND CUT LIVE FLOWERS; CUT CHRISTMAS TREES; PRODUCE, NAMELY, FRESH FRUITS AND VEGETABLES; AND, FRESH WINE GRAPES, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: SPRING WATER; MINERAL WATER; APPLE JUICE BEVERAGES AND SWEET CIDER; SELTZER WATER; AND, FRUIT JUICES AND FRUIT-FLAVORED SELTZER WATER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: RETAIL STORE FEATURING WINE AND BEER-MAKING EQUIPMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,866,095, 1,932,689 AND OTHERS.

APPLICATION INCORPORATES BY REFERENCE THE CONSENT FROM MR. PETER CORRADO BY WHICH CONSENT THE SURNAME IS USED IN THE MARK HEREOF.

SEC. 2(F).

SER. NO. 76-630,310, FILED 2-3-2005.

STEVEN JACKSON, EXAMINING ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CORRADO'S WINES & LIQUORS, INC.)	
a New Jersey Corporation, Opposer	)	Opposition No.:
	)	Serial No.: 85/453,781
v.	)	Mark: CORRADO CAPUTO 1890
	)	Filed:
CAPUTO 1890 s.r.l.	)	Publication Date: April 3, 2012
a Corporation of the Italian Republic, Applicant)	

OPPOSITION

To the Hon. Commissioner of Patents and Trademarks:

In the matter of the application of **CAPUTO 1890 s.r.l.** (hereinafter called Applicant) for registration of the trademark **CORRADO CAPUTO 1890**, Application Serial No. 85/453,781 published in the *Official Gazette* of April 3, 2012. **CORRADO'S SPECIALTY GOODS, INC.**, a New Jersey Corporation, with offices at 1578 Main Avenue, Clifton, New Jersey 07011, (hereinafter called Opposer), believes that it will be damaged by registration of the mark shown in Serial No. 85/453,781 and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is and has since 1980 been engaged in the retailing and wholesaling of beer, wines and liquors. In connection therewith Opposer has used in interstate commerce the trademark **CORRADO'S**, since July, 1980, well prior to Applicant's date of first use of the trademark **CORRADO CAPUTO 1890**.

2. Opposer owns federal trademark Application No. 85/571,466 for the trademark **CORRADO'S** for Services in International Class 035, namely: retail and wholesale store services featuring beer, wine and spirits. A true copy of said Application is attached hereto as Opposer's Exhibit A.

MAILING CERTIFICATE

I hereby certify that this correspondence is being e-filed on the date sign below, or is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Signature:

Siegmar Silber
SIEGMAR SILBER, 26,233

Date:

July 25, 2012

3. The Opposer hereof is part of the Corrado family enterprises which own CORRADO'S trademarks shown in Exhibit B. Additionally, another entity, Corrado's Specialty Goods, Inc., is filing of even date herewith an Opposition to the registration of the CORRADO CAPUTO 1890 mark based on the ownership of Registrations 1,866,095 and 3,131,690. For purposes of clarity, where both Opposers are discussed, the undersigned is referred to as "Opposer Wines and Liquors" and the trademark registration owner as "Opposer Specialty". The sale of wines under the brand CORRADO CAPUTO 1890 creates confusion as to source of goods as Applicant's goods would appear to be a private label of the wine store. See Exhibit C.

4. Opposer's services proffered under the CORRADO'S trademark have been extensively and continuously offered to the public through various channels of trade, including retail distribution especially distribution to wine consumers. Opposer has also extensively promoted its products and services under said trademarks throughout the United States in local media and trade publications. By reason of such promotion, advertising and distribution of Opposer's goods bearing said trademarks, the retail and wholesale publics have come to recognize CORRADO'S as signifying the Opposer as the source for wines and liquors. See Exhibit D. Further, Opposer has created extensive good will in connection with the sale of goods and services under its said trademarks.

5. Notwithstanding Opposer's prior rights in and to said trademarks, Applicant on information and belief on October 12, 2011 filed an application for registration of the trademark CORRADO CAPUTO 1890 for goods, namely,

in International Class: 033 : wines

said Application was provided Serial No. 85/453,781 and the mark was published for opposition in the **Official Gazette** of April 3, 2012.

6. Registration of the proposed mark should be refused because of a likelihood of confusion with the marks in Trademark Application Serial No. 85/571,466 and in U.S. Registration Nos. 1,866,095 and 3,131,690 of Opposer Specialty. Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 *et seq.* See the enclosed registration. Trademark Act Section 2(d) bars registration where an applied-for mark so resembles a registered mark that it is likely, when applied to the goods and/or services, to cause confusion, mistake or to deceive the potential consumer as to the source of the goods and/or services. TMEP §1207.01. The Court in ***In re E. I. DuPont de Nemours & Co.***, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), listed the principal factors to consider in determining whether there is a likelihood of confusion. Among these factors are the similarity of the marks as to appearance, sound, meaning and commercial impression, and the relatedness of the goods and/or services. The overriding concern is to prevent buyer confusion as to the source of the goods and/or services. ***In re Shell Oil Co.***, 992 F.2d 1204, 1208, 26USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt as to the existence of a likelihood of confusion must be resolved in favor of the registrant. ***In re Hyper Shoppes (Ohio), Inc.***, 837F2d 840, 6 USPQ2d 1025 (Fed. Cir. 1988); ***Lone Star Mfg C. v Bill Beasley, Inc.*** 498 F.2d 906, 182 USPQ 368 (C.C.P.A. 1974).

7. It is noted that in addition Opposer Wines and Liquors has appended trademarks, U.S. Registration Nos. 1,866,095 and 3,131,690, which are owned by a related entity, Opposer Specialty. See Exhibit E.

8. The marks are similar in appearance, sound, connotation and commercial impression. The first word in the applicant's mark, CORRADO, is very similar to Opposer's Application Serial No. 85,571,466, i.e. CORRADO'S, and to the word that comprises the mark in the other cited Registration Nos. 1,866,095 and 3,131,690, Application No 85/571,466, i.e., CORRADO'S. The fact that CORRADO in the applicant's mark is not in possessive form while the corresponding portions of the cited marks are in possessive form is a minor difference that does not obviate the likelihood of confusion.

9. In the referenced registration, Registration No. 1,866,095, CORRADO'S is followed by other wording, i.e., FAMILY AFFAIR, the inclusion of which does not overcome the likelihood of confusion. The mere deletion of wording from a registered mark is not sufficient to overcome a likelihood of confusion under Section 2(d). See *In re Optica Int'l*, 196 USPQ 775 (TTAB 1977) (where applicant filed to register the mark OPTIQUE for optical wear, deletion of the term BOUTIQUE is insufficient to distinguish the mark, *per se*, from the registered mark OPTIQUE BOUTIQUE when used in connection with competing optical wear). In the present case, the wording in applicant's mark does not create a distinct commercial impression because it contains the same common wording as registrant's mark, and the other wording does not distinguish it from registrant's mark.

10. Additionally, the inclusion in Applicant's mark of letters in stylized form while the cited marks are simply typed marks does not obviate the likelihood of confusion. When a mark consists of a word portion and a design portion, the word portion is more likely to be impressed upon a purchaser's memory and to be used in calling for the goods and services. Therefore, the word portion is normally accorded greater weight in determining likelihood of confusion. *In re Dakin's Miniatures Inc.*, 59 USPQ 2d, 1596 (TTAB 1999); *In re Appetito Provisions Co.*, 3 USPQ2d 1553 (TTAB 1987); *Amoco Oil Co v. Amerco, Inc.*, 192 USPQ 729 (TTAB 1976); TMEP §1207.01(c)(ii).

11. Furthermore, the goods and/or services in conjunction with which the marks are used or are intended to be used are identical or are related. Here, Opposer posits that wines of Applicant are related to "retail and wholesale store services featuring wine" of Opposer. When the oppositions of the Corrado family enterprises, namely that by Opposer Wines and Liquors and by Opposer Specialty, are taken together the Opposers' position is strengthened as wine grapes, wine-making equipment and wine competitions are added. It is noted that food products and food-related services have been considered related goods and services under Section 2(d). Here the relationship comparison is analogous, namely, between wines and wine grapes, wine-making equipment and retail services in connection therewith. *In re H.J. Seiler Co.*, 289 F.2d 674, 129 USPQ 347 (C.C.P.A. 1961) (likelihood of confusion between SEILER'S catering services and SEILER'S smoked and cured meats); *In re Opus One Inc.*, 60 USPQ2d 1812 (TTAB 2001) (likelihood of confusion between OPUS ONE for restaurant services and the identical mark for wine); *In re Comexa Ltda.*, 60 USPQ2d 1118 (TTAB 2001) (likelihood of confusion between AMAZON for restaurant services and AMAZON and design for chili sauce

and pepper sauce); *In re Azteca Restaurant Enterprises, Inc.*, 50 USPQ2d 1209 (TTAB 1999) (AZTECA MEXICAN RESTAURANT for restaurant services held likely to be confused with AZTECA for Mexican food products); *In re Golden Griddle Pancake House Ltd*, 17 USPQ2d 1074 (TTAB 1990) (GOLDEN GRIDDLE PANCAKE HOUSE for restaurant services held likely to be confused with GOLDEN GRIDDLE for table syrup; *In re Mucky Duck Mustard Co. Inc.*, 6 USPQ2d 1467 (TTAB 1988) (likelihood of confusion between MUCKY DUCK with duck design used on mustard and MUCKY DUCK with duck design used on restaurant services); *In re Appetito Provisions Co Inc.*, 3 USPQ2d 1553 (TTAB 1987) (likelihood of confusion between APPETITO and design used on Italian sausage and A APPETITO'S with sandwich design used on restaurant services); *In re Best Western Family Steak House, Inc.*, 222 USPQ 827 (TTAB 1984) (likelihood of confusion between BEEFMASTER used on restaurant services and BEEF MASTER used on frankfurters and bologna); *Roush Bakery Prods. Co v. Ridlen*, 190 USPQ 445 (TTAB 1976) (likelihood of confusion between HILLBILLY and design used on bread and HILLBILLY RESTAURANT used on restaurant services); *In re Pick-N-Pay Supermarkets, Inc.*, 185 USPQ 172 (TTAB 1974) (likelihood of confusion between PICK-N-PAY used on grocery items and supermarket services and PIK-N-PAY used on cafeteria services).

WHEREFORE, Opposer believes that it will be damaged by said registration and prays that it be **denied**.

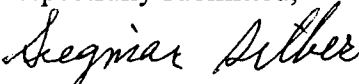
This Opposition is being submitted in triplicate as required by 37 C.F.R. §2.102(d).

The filing fee of this Opposition in the amount of \$300.00 is enclosed.

Please respond to:

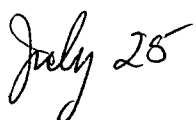
Siegmar Silber, Esq.
SILBER & FRIDMAN
1037 Route 46 East, Suite 207
Clifton, New Jersey 07013
Tel: (973) 779-2580 Fax: (973) 779-4473

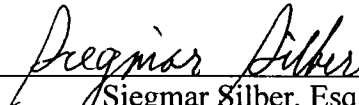
Respectfully submitted,


Siegmar Silber, Esq.
Registration No. 26,233
Attorney for Opposer

CERTIFICATION

I, Siegmar Silber, Attorney for Opposer, hereby certify that a copy of the above Opposition has been mailed to the Applicant's representative.

Date:  , 2012


Siegmar Silber, Esq.
Attorney for Opposer

tmaps/corrados301opposition.notice

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-03-23 14:16:23 ET

Serial Number: 85571466 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

CORRADO'S

(words only): CORRADO'S

Standard Character claim: Yes

Current Status: New application will be assigned to an examining attorney approximately 3 months after filing date.

Date of Status: 2012-03-20

Filing Date: 2012-03-16

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 042 -New Application Processing

Date In Location: 2012-03-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CORRADO'S WINES AND LIQUORS, INC.

Address:

CORRADO'S WINES AND LIQUORS, INC.

Exh. A

1578 MAIN AVE.
CLIFTON, NJ 07011
United States
Legal Entity Type: Corporation
State or Country of Incorporation: New Jersey

GOODS AND/OR SERVICES

International Class: 035
Class Status: Active
 Retail and wholesale store services featuring beer, wine and spirits; Retail and wholesale liquor store services
Basis: 1(a)
First Use Date: 1980-07-30
First Use in Commerce Date: 1980-07-30

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-03-20 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

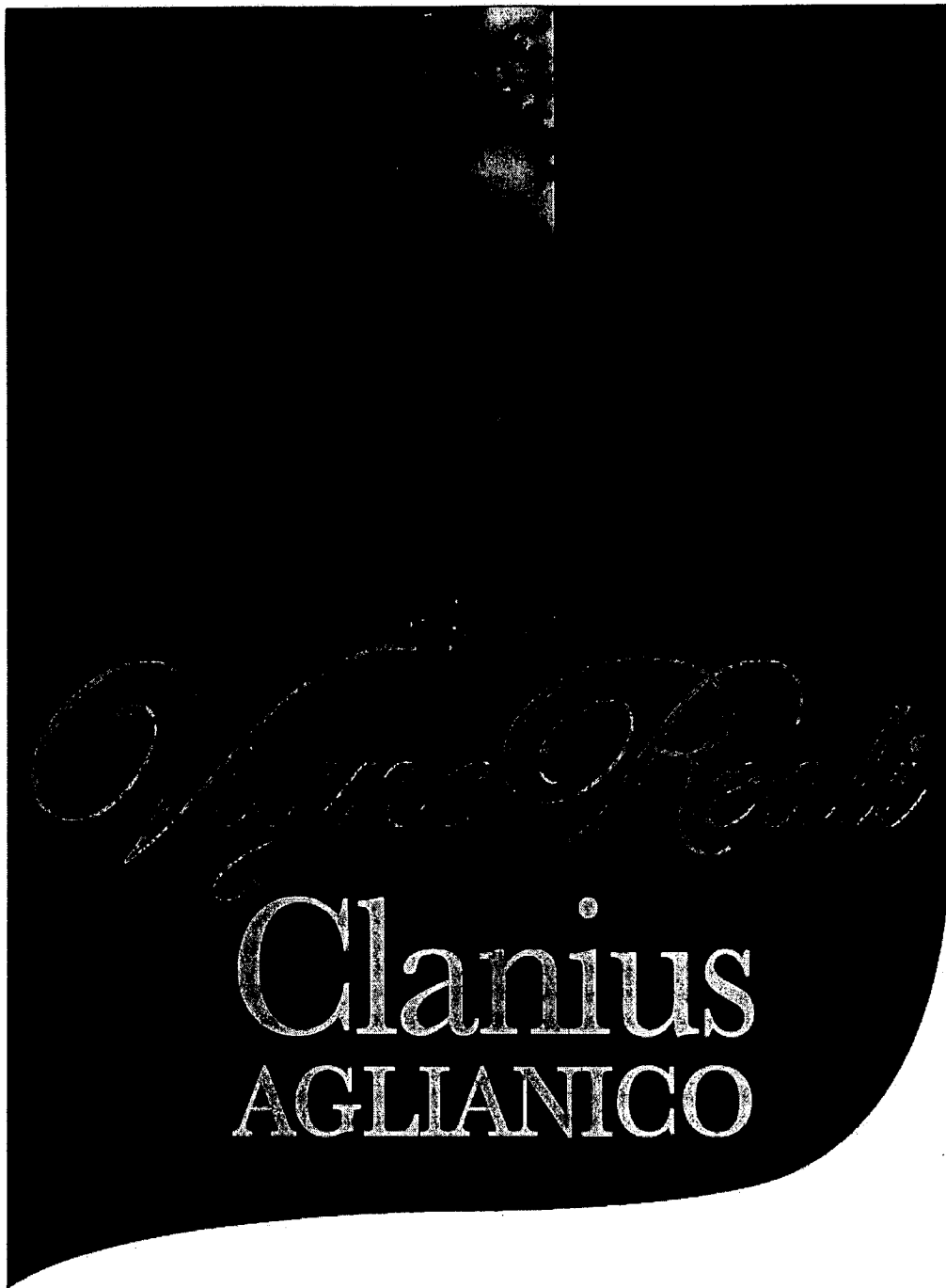
Attorney of Record
SIEGMAR SILBER

Correspondent
SIEGMAR SILBER
SILBER & FRIDMAN
1037 ROUTE 46 EAST
SUITE 207
CLIFTON, NJ 07013
Phone Number: (973) 779-2580
Fax Number: (973) 779-4473

CORRADO'S MARKS OWNED BY CORRADO'S FAMILY ENTERPRISES

<u>Mark</u>	<u>Reg. No.</u>	<u>App. No.</u>	<u>Int'l. Cl.</u>	<u>Owning Entity</u>
Corrado's	N/A	85/571,466	035	Corrado's Wines & Liquors, Inc.
Corrado's	3,131,690	76/630,310	029, 031, 032, 035	Corrado's Specialty Goods, Inc.
Corrado's	3,895,797	76/702,835	035	Corrado's Garden Center, Inc.
Corrado's	3,858,629	76/700,070	035	Corrado's Pet Market, LLC
Corrado's	3,694,478	76,687,571	004	Corrado's Specialty Goods, Inc.
Corrado's	3,570,993	76/684,822	004, 037	CFA Gas, Inc.
Corrado's	1,883,758	74/468,951	030	Corrado's Specialty Goods, Inc.
Corrado's Family Affair	1,866,095	74/468,950	042	Corrado's Specialty Goods, Inc.

Exh. B



EXH.C

Main Ave., Clifton, NJ
340-0628

Corona's LIQUORS

Product	Price	Volume
Johnnie Walker Blue Label	\$169.99	750 ml
JC Cognac	\$19.99	750 ml
Corona or Corona Light 24 Pack 12 oz. Loose Bottles	\$25.99 ea	
B&G Reserve Chardonnay	\$39.99	750 ml

\$5 or less 750 ml.
Over 30 Different Wines From All Around The World

Exh.D

Int. Cl.: 42

Prior U.S. Cl.: 101

United States Patent and Trademark Office

Reg. No. 1,866,095

Registered Dec. 6, 1994

**SERVICE MARK
PRINCIPAL REGISTER**

CORRADO'S FAMILY AFFAIR

CORRADO'S SPECIALTY GOODS, INC. (NEW
JERSEY CORPORATION)
1578 MAIN AVENUE
CLIFTON, NJ 07011

FOR: RETAIL STORE SERVICES FEATUR-
ING FRESH FRUITS AND VEGETABLES,
BAKED GOODS, FRESH FISH AND MEATS,
SPECIALTY FOODSTUFFS; NAMELY, DOMES-
TIC AND IMPORTED TEAS, COFFEES,

CHEESES, AND LUNCHEON MEATS, IN
CLASS 42 (U.S. CL. 101).

FIRST USE 1-4-1960; IN COMMERCE
1-4-1960.

"CORRADO" IDENTIFIES A LIVING INDI-
VIDUAL WHOSE CONSENT IS OF RECORD.

SER. NO. 74-468,950, FILED 12-13-1993.

EVERETT FRUEHLING, EXAMINING ATTOR-
NEY

EXH. E

Int. Cls.: 29, 31, 32 and 35

Prior U.S. Cls.: 1, 45, 46, 48, 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,131,690

Registered Aug. 22, 2006

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

CORRADO'S

CORRADO'S SPECIALTY GOODS, INC. (NEW
JERSEY CORPORATION)
1578 MAIN AVENUE
CLIFTON, NJ 07011

FOR: CHEESE PRODUCTS, NAMELY, WHOLE-MILK AND PART-SKIM MILK MOZZARELLA, AND WHOLE-MILK AND PART-SKIM MILK RICOTTA; PROCESSED VEGETABLES, NAMELY, CANNED STRAW MUSHROOM; CANNED BEANS, NAMELY, RED KIDNEY BEANS, CANNALINNI BEANS, AND CHICK PEAS; AND, PROCESSED TOMATO PRODUCTS, NAMELY, PEELED TOMATOES, CRUSHED TOMATOES, TOMATO PUREE, TOMATO PASTE; APPETIZERS AND CONDIMENTS, NAMELY, BLACK OLIVE PATE, ROASTED PEPPERS, AND BOTTLED AND CANNED RIPE OLIVES; COOKING AND SALAD OILS, NAMELY, VIRGIN OLIVE OIL; CORN OIL, BLENDED OIL, AND SALAD OIL; MEAT PRODUCTS, NAMELY, PACKAGED MEATS, CHICKEN PARTS, BACON BITS, SMOKED AND CURED HAMS, SOPRESATTA SWEET, SOPRESATTA HOT, CAPPICOLA SWEET, CAPPICOLA HOT, MILANO SALAMI, AND NOSTRANO SALAMI, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: GOODS FOR LANDSCAPING, NAMELY, LIVING PLANTS, SEEDLINGS, SOD, LIVE TREES AND BUSHES, MULCH, TOP SOIL, RAW BARK, FLOWER SEEDS AND BULBS, LIVE FLOWERING PLANTS, GRASS SEED, WREATHS OF DRIED FLOWERS AND CUT LIVE FLOWERS; CUT CHRISTMAS TREES; PRODUCE, NAMELY, FRESH FRUITS AND VEGETABLES; AND, FRESH WINE GRAPES, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: SPRING WATER; MINERAL WATER; APPLE JUICE BEVERAGES AND SWEET CIDER; SELTZER WATER; AND, FRUIT JUICES AND FRUIT-FLAVORED SELTZER WATER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: RETAIL STORE FEATURING WINE AND BEER-MAKING EQUIPMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,866,095, 1,932,689 AND OTHERS.

APPLICATION INCORPORATES BY REFERENCE THE CONSENT FROM MR. PETER CORRADO BY WHICH CONSENT THE SURNAME IS USED IN THE MARK HEREOF.

SEC. 2(F).

SER. NO. 76-630,310, FILED 2-3-2005.

STEVEN JACKSON, EXAMINING ATTORNEY

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CORRADO'S WINES & LIQUORS, INC.)	
a New Jersey Corporation, Opposer	)	Opposition No.:
	)	Serial No.: 85/453,781
v.	)	Mark: CORRADO CAPUTO 1890
	)	Filed:
CAPUTO 1890 s.r.l.	)	Publication Date: April 3, 2012
a Corporation of the Italian Republic, Applicant)	

OPPOSITION

To the Hon. Commissioner of Patents and Trademarks:

In the matter of the application of **CAPUTO 1890 s.r.l.** (hereinafter called Applicant) for registration of the trademark **CORRADO CAPUTO 1890**, Application Serial No. 85/453,781 published in the *Official Gazette* of April 3, 2012. **CORRADO'S SPECIALTY GOODS, INC.**, a New Jersey Corporation, with offices at 1578 Main Avenue, Clifton, New Jersey 07011, (hereinafter called Opposer), believes that it will be damaged by registration of the mark shown in Serial No. 85/453,781 and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is and has since 1980 been engaged in the retailing and wholesaling of beer, wines and liquors. In connection therewith Opposer has used in interstate commerce the trademark **CORRADO'S**, since July, 1980, well prior to Applicant's date of first use of the trademark **CORRADO CAPUTO 1890**.

2. Opposer owns federal trademark Application No. 85/571,466 for the trademark **CORRADO'S** for Services in International Class 035, namely: retail and wholesale store services featuring beer, wine and spirits. A true copy of said Application is attached hereto as Opposer's Exhibit A.

MAILING CERTIFICATE

I hereby certify that this correspondence is being e-filed on the date sign below, or is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Signature: *Siegmar Silber* Date: *July 26, 2012*
SIEGMAR SILBER, 26,233

3. The Opposer hereof is part of the Corrado family enterprises which own CORRADO'S trademarks shown in Exhibit B. Additionally, another entity, Corrado's Specialty Goods, Inc., is filing of even date herewith an Opposition to the registration of the CORRADO CAPUTO 1890 mark based on the ownership of Registrations 1,866,095 and 3,131,690. For purposes of clarity, where both Opposers are discussed, the undersigned is referred to as "Opposer Wines and Liquors" and the trademark registration owner as "Opposer Specialty". The sale of wines under the brand CORRADO CAPUTO 1890 creates confusion as to source of goods as Applicant's goods would appear to be a private label of the wine store. See Exhibit C.

4. Opposer's services proffered under the CORRADO'S trademark have been extensively and continuously offered to the public through various channels of trade, including retail distribution especially distribution to wine consumers. Opposer has also extensively promoted its products and services under said trademarks throughout the United States in local media and trade publications. By reason of such promotion, advertising and distribution of Opposer's goods bearing said trademarks, the retail and wholesale publics have come to recognize CORRADO'S as signifying the Opposer as the source for wines and liquors. See Exhibit D. Further, Opposer has created extensive good will in connection with the sale of goods and services under its said trademarks.

5. Notwithstanding Opposer's prior rights in and to said trademarks, Applicant on information and belief on October 12, 2011 filed an application for registration of the trademark CORRADO CAPUTO 1890 for goods, namely,

in International Class: 033 : wines

said Application was provided Serial No. 85/453,781 and the mark was published for opposition in the **Official Gazette** of April 3, 2012.

6. Registration of the proposed mark should be refused because of a likelihood of confusion with the marks in Trademark Application Serial No. 85/571,466 and in U.S. Registration Nos. 1,866,095 and 3,131,690 of Opposer Specialty. Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 *et seq.* See the enclosed registration. Trademark Act Section 2(d) bars registration where an applied-for mark so resembles a registered mark that it is likely, when applied to the goods and/or services, to cause confusion, mistake or to deceive the potential consumer as to the source of the goods and/or services. TMEP §1207.01. The Court in ***In re E. I. DuPont de Nemours & Co.***, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), listed the principal factors to consider in determining whether there is a likelihood of confusion. Among these factors are the similarity of the marks as to appearance, sound, meaning and commercial impression, and the relatedness of the goods and/or services. The overriding concern is to prevent buyer confusion as to the source of the goods and/or services. ***In re Shell Oil Co.***, 992 F.2d 1204, 1208, 26USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt as to the existence of a likelihood of confusion must be resolved in favor of the registrant. ***In re Hyper Shoppes (Ohio), Inc.***, 837F2d 840, 6 USPQ2d 1025 (Fed. Cir. 1988); ***Lone Star Mfg C. v Bill Beasley, Inc.*** 498 F.2d 906, 182 USPQ 368 (C.C.P.A. 1974).

7. It is noted that in addition Opposer Wines and Liquors has appended trademarks, U.S. Registration Nos. 1,866,095 and 3,131,690, which are owned by a related entity, Opposer Specialty. See Exhibit E.

8. The marks are similar in appearance, sound, connotation and commercial impression. The first word in the applicant's mark, CORRADO, is very similar to Opposer's Application Serial No. 85,571,466, i.e. CORRADO'S, and to the word that comprises the mark in the other cited Registration Nos. 1,866,095 and 3,131,690, Application No 85/571,466, i.e., CORRADO'S. The fact that CORRADO in the applicant's mark is not in possessive form while the corresponding portions of the cited marks are in possessive form is a minor difference that does not obviate the likelihood of confusion.

9. In the referenced registration, Registration No. 1,866,095, CORRADO'S is followed by other wording, i.e., FAMILY AFFAIR, the inclusion of which does not overcome the likelihood of confusion. The mere deletion of wording from a registered mark is not sufficient to overcome a likelihood of confusion under Section 2(d). See *In re Optica Int'l.*, 196 USPQ 775 (TTAB 1977) (where applicant filed to register the mark OPTIQUE for optical wear, deletion of the term BOUTIQUE is insufficient to distinguish the mark, *per se*, from the registered mark OPTIQUE BOUTIQUE when used in connection with competing optical wear). In the present case, the wording in applicant's mark does not create a distinct commercial impression because it contains the same common wording as registrant's mark, and the other wording does not distinguish it from registrant's mark.

10. Additionally, the inclusion in Applicant's mark of letters in stylized form while the cited marks are simply typed marks does not obviate the likelihood of confusion. When a mark consists of a word portion and a design portion, the word portion is more likely to be impressed upon a purchaser's memory and to be used in calling for the goods and services. Therefore, the word portion is normally accorded greater weight in determining likelihood of confusion. *In re Dakin's Miniatures Inc.*, 59 USPQ 2d, 1596 (TTAB 1999); *In re Appetito Provisions Co.*, 3 USPQ2d 1553 (TTAB 1987); *Amoco Oil Co v. Amerco, Inc.*, 192 USPQ 729 (TTAB 1976); TMEP §1207.01(c)(ii).

11. Furthermore, the goods and/or services in conjunction with which the marks are used or are intended to be used are identical or are related. Here, Opposer posits that wines of Applicant are related to "retail and wholesale store services featuring wine" of Opposer. When the oppositions of the Corrado family enterprises, namely that by Opposer Wines and Liquors and by Opposer Specialty, are taken together the Opposers' position is strengthened as wine grapes, wine-making equipment and wine competitions are added. It is noted that food products and food-related services have been considered related goods and services under Section 2(d). Here the relationship comparison is analogous, namely, between wines and wine grapes, wine-making equipment and retail services in connection therewith. *In re H.J. Seiler Co.*, 289 F.2d 674, 129 USPQ 347 (C.C.P.A. 1961) (likelihood of confusion between SEILER'S catering services and SEILER'S smoked and cured meats); *In re Opus One Inc.*, 60 USPQ2d 1812 (TTAB 2001) (likelihood of confusion between OPUS ONE for restaurant services and the identical mark for wine); *In re Comexa Ltda.*, 60 USPQ2d 1118 (TTAB 2001) (likelihood of confusion between AMAZON for restaurant services and AMAZON and design for chili sauce

and pepper sauce); *In re Azteca Restaurant Enterprises, Inc.*, 50 USPQ2d 1209 (TTAB 1999) (AZTECA MEXICAN RESTAURANT for restaurant services held likely to be confused with AZTECA for Mexican food products); *In re Golden Griddle Pancake House Ltd*, 17 USPQ2d 1074 (TTAB 1990) (GOLDEN GRIDDLE PANCAKE HOUSE for restaurant services held likely to be confused with GOLDEN GRIDDLE for table syrup; *In re Mucky Duck Mustard Co. Inc.*, 6 USPQ2d 1467 (TTAB 1988) (likelihood of confusion between MUCKY DUCK with duck design used on mustard and MUCKY DUCK with duck design used on restaurant services); *In re Appetito Provisions Co Inc.*, 3 USPQ2d 1553 (TTAB 1987) (likelihood of confusion between APPETITO and design used on Italian sausage and A APPETITO'S with sandwich design used on restaurant services); *In re Best Western Family Steak House, Inc.*, 222 USPQ 827 (TTAB 1984) (likelihood of confusion between BEEFMASTER used on restaurant services and BEEF MASTER used on frankfurters and bologna); *Roush Bakery Prods. Co v. Ridlen*, 190 USPQ 445 (TTAB 1976) (likelihood of confusion between HILLBILLY and design used on bread and HILLBILLY RESTAURANT used on restaurant services); *In re Pick-N-Pay Supermarkets, Inc.*, 185 USPQ 172 (TTAB 1974) (likelihood of confusion between PICK-N-PAY used on grocery items and supermarket services and PIK-N-PAY used on cafeteria services).

WHEREFORE, Opposer believes that it will be damaged by said registration and prays that it be **denied**.

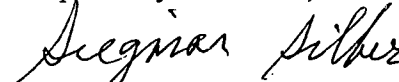
This Opposition is being submitted in triplicate as required by 37 C.F.R. §2.102(d).

The filing fee of this Opposition in the amount of \$300.00 is enclosed.

Please respond to:

Siegmar Silber, Esq.
SILBER & FRIDMAN
1037 Route 46 East, Suite 207
Clifton, New Jersey 07013
Tel: (973) 779-2580 Fax: (973) 779-4473

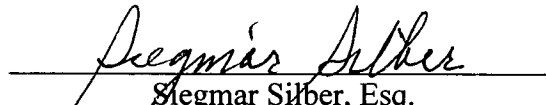
Respectfully submitted,


Siegmar Silber, Esq.
Registration No. 26,233
Attorney for Opposer

CERTIFICATION

I, Siegmar Silber, Attorney for Opposer, hereby certify that a copy of the above Opposition has been mailed to the Applicant's representative.

Date: July 25, 2012


Siegmar Silber, Esq.
Attorney for Opposer

tmapps/corradoss301opposition.notice

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-03-23 14:16:23 ET

Serial Number: 85571466 Assignment Information

Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

CORRADO'S

(words only): CORRADO'S

Standard Character claim: Yes

Current Status: New application will be assigned to an examining attorney approximately 3 months after filing date.

Date of Status: 2012-03-20

Filing Date: 2012-03-16

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 042 -New Application Processing

Date In Location: 2012-03-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CORRADO'S WINES AND LIQUORS, INC.

Address:

CORRADO'S WINES AND LIQUORS, INC.

Exh. A

1578 MAIN AVE.
CLIFTON, NJ 07011
United States

GOODS AND/OR SERVICES**International Class: 035**

Class Status: Active

Retail and wholesale store services featuring beer, wine and spirits; Retail and wholesale liquor store services

Basis: 1(a)

First Use Date: 1980-07-30

First Use in Commerce Date: 1980-07-30

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-03-20 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

SIEGMAR SILBER

Correspondent

SIEGMAR SILBER

SILBER & FRIDMAN

1037 ROUTE 46 EAST

SUITE 207

CLIFTON, NJ 07013

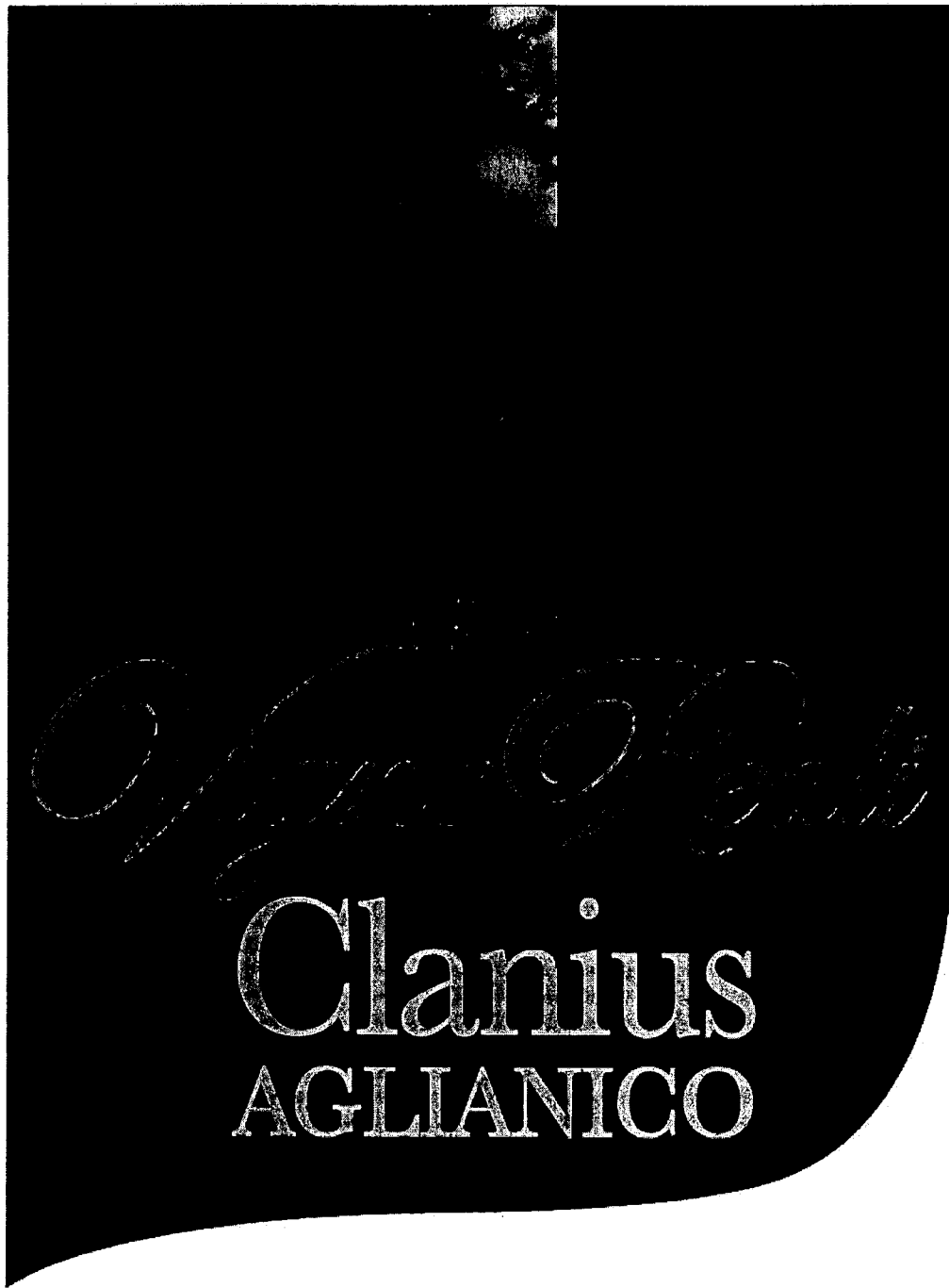
Phone Number: (973) 779-2580

Fax Number: (973) 779-4473

CORRADO'S MARKS OWNED BY CORRADO'S FAMILY ENTERPRISES

<u>Mark</u>	<u>Reg. No.</u>	<u>App. No.</u>	<u>Int'l. Cl.</u>	<u>Owning Entity</u>
Corrado's	N/A	85/571,466	035	Corrado's Wines & Liquors, Inc.
Corrado's	3,131,690	76/630,310	029, 031, 032, 035	Corrado's Specialty Goods, Inc.
Corrado's	3,895,797	76/702,835	035	Corrado's Garden Center, Inc.
Corrado's	3,858,629	76/700,070	035	Corrado's Pet Market, LLC
Corrado's	3,694,478	76,687,571	004	Corrado's Specialty Goods, Inc.
Corrado's	3,570,993	76/684,822	004, 037	CFA Gas, Inc.
Corrado's	1,883,758	74/468,951	030	Corrado's Specialty Goods, Inc.
Corrado's Family Affair	1,866,095	74/468,950	042	Corrado's Specialty Goods, Inc.

Exh.B



Exh. C

Main Ave., Clifton, NJ
340-0628

Corrado's LIQUORS

Johnnie Walker Blue Label
750 ml
\$169.99

JC Cognac
750 ml
\$19.99

Corona or Corona Light 24 Pack
12 oz. Loose Bottles
\$25.99 ea.

B&G Reserve Chardonnay
750 ml
\$3.99

\$5 or less
750 ml.
Over 30 Different Wines From All Around The World

Exh.D

Int. Cl.: 42

Prior U.S. Cl.: 101

United States Patent and Trademark Office

Reg. No. 1,866,095

Registered Dec. 6, 1994

**SERVICE MARK
PRINCIPAL REGISTER**

CORRADO'S FAMILY AFFAIR

CORRADO'S SPECIALTY GOODS, INC. (NEW
JERSEY CORPORATION)
1578 MAIN AVENUE
CLIFTON, NJ 07011

FOR: RETAIL STORE SERVICES FEATUR-
ING FRESH FRUITS AND VEGETABLES,
BAKED GOODS, FRESH FISH AND MEATS,
SPECIALTY FOODSTUFFS; NAMELY, DOMES-
TIC AND IMPORTED TEAS, COFFEES,

CHEESES, AND LUNCHEON MEATS, IN
CLASS 42 (U.S. CL. 101).

FIRST USE 1-4-1960; IN COMMERCE
1-4-1960.

"CORRADO" IDENTIFIES A LIVING INDI-
VIDUAL WHOSE CONSENT IS OF RECORD.

SER. NO. 74-468,950, FILED 12-13-1993.

EVERETT FRUEHLING, EXAMINING ATTOR-
NEY

EXH. E

Int. Cls.: 29, 31, 32 and 35

Prior U.S. Cls.: 1, 45, 46, 48, 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,131,690

Registered Aug. 22, 2006

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

CORRADO'S

CORRADO'S SPECIALTY GOODS, INC. (NEW
JERSEY CORPORATION)
1578 MAIN AVENUE
CLIFTON, NJ 07011

FOR: CHEESE PRODUCTS, NAMELY, WHOLE-MILK AND PART-SKIM MILK MOZZARELLA, AND WHOLE-MILK AND PART-SKIM MILK RICOTTA; PROCESSED VEGETABLES, NAMELY, CANNED STRAW MUSHROOM; CANNED BEANS, NAMELY, RED KIDNEY BEANS, CANNALINNI BEANS, AND CHICK PEAS; AND, PROCESSED TOMATO PRODUCTS, NAMELY, PEELED TOMATOES, CRUSHED TOMATOES, TOMATO PUREE, TOMATO PASTE; APPETIZERS AND CONDIMENTS, NAMELY, BLACK OLIVE PATE, ROASTED PEPPERS, AND BOTTLED AND CANNED RIPE OLIVES; COOKING AND SALAD OILS, NAMELY, VIRGIN OLIVE OIL; CORN OIL, BLENDED OIL, AND SALAD OIL; MEAT PRODUCTS, NAMELY, PACKAGED MEATS, CHICKEN PARTS, BACON BITS, SMOKED AND CURED HAMS, SOPRESATTA SWEET, SOPRESATTA HOT, CAPPICOLA SWEET, CAPPICOLA HOT, MILANO SALAMI, AND NOSTRANO SALAMI, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: GOODS FOR LANDSCAPING, NAMELY, LIVING PLANTS, SEEDLINGS, SOD, LIVE TREES AND BUSHES, MULCH, TOP SOIL, RAW BARK, FLOWER SEEDS AND BULBS, LIVE FLOWERING PLANTS, GRASS SEED, WREATHS OF DRIED FLOWERS AND CUT LIVE FLOWERS; CUT CHRISTMAS TREES; PRODUCE, NAMELY, FRESH FRUITS AND VEGETABLES; AND, FRESH WINE GRAPES, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: SPRING WATER; MINERAL WATER; APPLE JUICE BEVERAGES AND SWEET CIDER; SELTZER WATER; AND, FRUIT JUICES AND FRUIT-FLAVORED SELTZER WATER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: RETAIL STORE FEATURING WINE AND BEER-MAKING EQUIPMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,866,095, 1,932,689 AND OTHERS.

APPLICATION INCORPORATES BY REFERENCE THE CONSENT FROM MR. PETER CORRADO BY WHICH CONSENT THE SURNAME IS USED IN THE MARK HEREOF.

SEC. 2(F).

SER. NO. 76-630,310, FILED 2-3-2005.

STEVEN JACKSON, EXAMINING ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CORRADO'S SPECIALTY GOODS, INC.)	
a New Jersey Corporation, Opposer	)	Opposition No.:
	)	Serial No.: 85/453,781
v.	)	Mark: CORRADO CAPUTO 1890
	)	Filed:
CAPUTO 1890 s.r.l.	)	Publication Date: April 3, 2012
a Corporation of the Italian Republic, Applicant)	

OPPOSITION

To the Hon. Commissioner of Patents and Trademarks:

In the matter of the application of **CAPUTO 1890 s.r.l.** (hereinafter called Applicant) for registration of the trademark **CORRADO CAPUTO 1890**, Application Serial No. 85/453,781 published in the *Official Gazette* of April 3, 2012. **CORRADO'S SPECIALTY GOODS, INC.**, a New Jersey Corporation, with offices at 1578 Main Avenue, Clifton, New Jersey 07011, (hereinafter called Opposer), believes that it will be damaged by registration of the mark shown in Serial No. 85/453,781 and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is and has been for many years engaged in the extensive production, promotion, advertising and sale of a wide variety of food products and, more specifically, a wide variety of wine-related products. In connection therewith Opposer has used in interstate commerce the trademark CORRADO'S, since January 2, 1973, well prior to Applicant's date of first use of the trademark CORRADO CAPUTO 1890.

2. Opposer owns federal trademark Registration Nos. 1,866,095 for the trademark CORRADO'S FAMILY AFFAIR for services in International Class 042, and 3,131,690 for the trademark CORRADO'S for Goods and Services in International Classes 029, 031, 032 and 035, namely:

MAILING CERTIFICATE

I hereby certify that this correspondence is being e-filed on the date sign below, or is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451

Alexandria, VA 22313-1451
Signature: Siegmar Silber Date: July 25, 2012
SIEGMAR SILBER, 26,233

"retail store services featuring fresh fruit" [wine grapes, I.C. 042]; "fresh wine grapes" [I.C. 031]; and, "retail store featuring wine- and beer-making equipment" [I.C. 035]. True copies of said Registrations are attached hereto as Opposer's Exhibit A.

3. The Opposer hereof is part of the Corrado family enterprises which own CORRADO'S trademarks shown in Exhibit B. Additionally, another entity, Corrado's Wines and Liquors, Inc., is filing of even date herewith an Opposition to the registration of the CORRADO CAPUTO 1890 mark. For purposes of clarity, where both Opposers are discussed, the undersigned is referred to as "Opposer Specialty" and the wines and liquors store as "Opposer Wines and Liquors". The sale of wines under the brand CORRADO CAPUTO 1890 adds additional confusion as to source of goods as Applicant's goods would appear to be a private label of the wine store. See Exhibit C.

4. Opposer's goods bearing said CORRADO'S trademark have been extensively and continuously offered to the public through various channels of trade, including retail distribution and distribution to winemakers, both amateur and professional. Opposer has also extensively promoted its products and services under said trademarks throughout the United States in local media and trade publications. By reason of such promotion, advertising and distribution of Opposer's goods bearing said trademarks, the retail and wholesale publics have come to recognize CORRADO'S as signifying the Opposer as the source for wine grapes and wine-making equipment and as the sponsor of annual wine-making competitions. See Exhibits D and E. Further, Opposer has created extensive good will in connection with the sale of goods and services under its said trademarks.

5. Notwithstanding Opposer's prior rights in and to said trademarks, Applicant on information and belief on October 12, 2011 filed an application for registration of the trademark CORRADO CAPUTO 1890 for goods, namely,

in International Class: 033 : wines

said Application was provided Serial No. 85/453,781 and the mark was published for opposition in the **Official Gazette** of April 3, 2012.

6. Registration of the proposed mark should be refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 1,866,095 and 3,131,690 and in Application No. 85/571,466. Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 *et seq.* See the enclosed registration. Trademark Act Section 2(d) bars registration where an applied-for mark so resembles a registered mark that it is likely, when applied to the goods and/or services, to cause confusion, mistake or to deceive the potential consumer as to the source of the goods and/or services. TMEP §1207.01. The Court in *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), listed the principal factors to consider in determining whether there is a likelihood of confusion. Among these factors are the similarity of the marks as to appearance, sound, meaning and commercial impression, and the relatedness of the goods and/or services. The overriding concern is to prevent buyer confusion as to the source of the goods and/or services. *In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt as to the existence of a likelihood of

confusion must be resolved in favor of the registrant. *In re Hyper Shoppes (Ohio), Inc.*, 837F2d 840, 6 USPQ2d 1025 (Fed. Cir. 1988); *Lone Star Mfg C. v Bill Beasley, Inc.* 498 F.2d 906, 182 USPQ 368 (C.C.P.A. 1974).

7. It is noted that in addition Opposer Specialty has appended Application No. 85/571,466 which is owned by a related entity, Opposer Wines and Liquors. See Exhibit F.

8. The marks are similar in appearance, sound, connotation and commercial impression. The first word in the applicant's mark, CORRADO, is very similar to the first word in Reg. Nos. 1,866,095 and 3,131,690, i.e. CORRADO'S, and to the word that comprises the mark in the other cited application, Application No 85/571,466, i.e., CORRADO'S. The fact that CORRADO in the applicant's mark is not in possessive form while the corresponding portions of the cited marks are in possessive form is a minor difference that does not obviate the likelihood of confusion.

9. Furthermore, in Reg. No. 1,866,095, CORRADO'S is followed by other wording, i.e., FAMILY AFFAIR, does not overcome the likelihood of confusion. The mere deletion of wording from a registered mark is not sufficient to overcome a likelihood of confusion under Section 2(d). See *In re Optica Int'l.*, 196 USPQ 775 (TTAB 1977) (where applicant filed to register the mark OPTIQUE for optical wear, deletion of the term BOUTIQUE is insufficient to distinguish the mark, *per se*, from the registered mark OPTIQUE BOUTIQUE when used in connection with competing optical wear). In the present case, the wording in applicant's mark does not create a distinct commercial impression because it contains the same common wording as registrant's mark, and the other wording does not distinguish it from registrant's mark.

10. Additionally, the inclusion in Applicant's mark of letters in stylized form while the cited marks are simply typed marks does not obviate the likelihood of confusion. When a mark consists of a word portion and a design portion, the word portion is more likely to be impressed upon a purchaser's memory and to be used in calling for the goods and services. Therefore, the word portion is normally accorded greater weight in determining likelihood of confusion. *In re Dakin's Miniatures Inc.*, 59 USPQ 2d, 1596 (TTAB 1999); *In re Appetito Provisions Co.*, 3 USPQ2d 1553 (TTAB 1987); *Amoco Oil Co v. Amerco, Inc.*, 192 USPQ 729 (TTAB 1976); TMEP §1207.01(c)(ii).

11. Furthermore, the goods and/or services in conjunction with which the marks are used or are intended to be used are identical or are related. Here, Opposer posits that wines of Applicant are related to wine grapes, wine-making equipment and wine competitions of Opposer. When the oppositions of the Corrado family enterprises, namely that by Opposer Specialty and by Opposer Wines and Liquors, are taken together the Opposers' position is strengthened as "retail and wholesale store services featuring wine" is added. It is noted that food products and food-related services have been considered related goods and services under Section 2(d). Here the relationship comparison is analogous, namely, between wines and wine grapes, wine-making equipment and retail services in connection therewith. *In re H.J. Seiler Co.*, 289 F.2d 674, 129 USPQ 347 (C.C.P.A. 1961) (likelihood of confusion between SEILER'S catering services and SEILER'S smoked and cured meats); *In re Opus One Inc.*, 60 USPQ2d 1812 (TTAB 2001) (likelihood of confusion between OPUS ONE for restaurant services and the identical mark for

wine); *In re Comexa Ltda.*, 60 USPQ2d 1118 (TTAB 2001) (likelihood of confusion between AMAZON for restaurant services and AMAZON and design for chili sauce and pepper sauce); *In re Azteca Restaurant Enterprises, Inc.*, 50 USPQ2d 1209 (TTAB 1999) (AZTECA MEXICAN RESTAURANT for restaurant services held likely to be confused with AZTECA for Mexican food products); *In re Golden Griddle Pancake House Ltd.*, 17 USPQ2d 1074 (TTAB 1990) (GOLDEN GRIDDLE PANCAKE HOUSE for restaurant services held likely to be confused with GOLDEN GRIDDLE for table syrup); *In re Mucky Duck Mustard Co. Inc.*, 6 USPQ2d 1467 (TTAB 1988) (likelihood of confusion between MUCKY DUCK with duck design used on mustard and MUCKY DUCK with duck design used on restaurant services); *In re Appetito Provisions Co Inc.*, 3 USPQ2d 1553 (TTAB 1987) (likelihood of confusion between APPETITO and design used on Italian sausage and A APPETITO'S with sandwich design used on restaurant services); *In re Best Western Family Steak House, Inc.*, 222 USPQ 827 (TTAB 1984) (likelihood of confusion between BEEFMASTER used on restaurant services and BEEF MASTER used on frankfurters and bologna); *Roush Bakery Prods. Co v. Ridlen*, 190 USPQ 445 (TTAB 1976) (likelihood of confusion between HILLBILLY and design used on bread and HILLBILLY RESTAURANT used on restaurant services); *In re Pick-N-Pay Supermarkets, Inc.*, 185 USPQ 172 (TTAB 1974) (likelihood of confusion between PICK-N-PAY used on grocery items and supermarket services and PIK-N-PAY used on cafeteria services.

WHEREFORE, Opposer believes that it will be damaged by said registration and prays that it be **denied**.

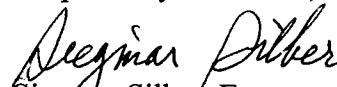
This Opposition is being submitted in triplicate as required by 37 C.F.R. §2.102(d).

The filing fee of this Opposition in the amount of \$300.00 is enclosed.

Please respond to:

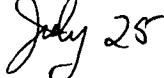
Siegmar Silber, Esq.
SILBER & FRIDMAN
1037 Route 46 East, Suite 207
Clifton, New Jersey 07013
Tel: (973) 779-2580 Fax: (973) 779-4473

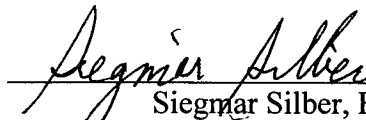
Respectfully submitted,


Siegmar Silber, Esq.
Registration No. 26,233
Attorney for Opposer

CERTIFICATION

I, Siegmar Silber, Attorney for Opposer, hereby certify that a copy of the above Opposition has been mailed to the Applicant's representative.

Date: , 2012


Siegmar Silber, Esq.
Attorney for Opposer

tmaps/corrad0301opposition.notice

Int. Cl.: 42

Prior U.S. Cl.: 101

United States Patent and Trademark Office

Reg. No. 1,866,095

Registered Dec. 6, 1994

**SERVICE MARK
PRINCIPAL REGISTER**

CORRADO'S FAMILY AFFAIR

CORRADO'S SPECIALTY GOODS, INC. (NEW
JERSEY CORPORATION)
1578 MAIN AVENUE
CLIFTON, NJ 07011

FOR: RETAIL STORE SERVICES FEATUR-
ING FRESH FRUITS AND VEGETABLES,
BAKED GOODS, FRESH FISH AND MEATS,
SPECIALTY FOODSTUFFS; NAMELY, DOMES-
TIC AND IMPORTED TEAS, COFFEES,

CHEESES, AND LUNCHEON MEATS, IN
CLASS 42 (U.S. CL. 101).

FIRST USE 1-4-1960; IN COMMERCE
1-4-1960.

"CORRADO" IDENTIFIES A LIVING INDI-
VIDUAL WHOSE CONSENT IS OF RECORD.

SER. NO. 74-468,950, FILED 12-13-1993.

EVERETT FRUEHLING, EXAMINING ATTOR-
NEY

Exh. A

Int. Cls.: 29, 31, 32 and 35

Prior U.S. Cls.: 1, 45, 46, 48, 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,131,690

Registered Aug. 22, 2006

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

CORRADO'S

CORRADO'S SPECIALTY GOODS, INC. (NEW
JERSEY CORPORATION)
1578 MAIN AVENUE
CLIFTON, NJ 07011

FOR: CHEESE PRODUCTS, NAMELY, WHOLE-MILK AND PART-SKIM MILK MOZZARELLA, AND WHOLE-MILK AND PART-SKIM MILK RICOTTA; PROCESSED VEGETABLES, NAMELY, CANNED STRAW MUSHROOM; CANNED BEANS, NAMELY, RED KIDNEY BEANS, CANNALINNI BEANS, AND CHICK PEAS; AND, PROCESSED TOMATO PRODUCTS, NAMELY, PEELED TOMATOES, CRUSHED TOMATOES, TOMATO PUREE, TOMATO PASTE; APPETIZERS AND CONDIMENTS, NAMELY, BLACK OLIVE PATE, ROASTED PEPPERS, AND BOTTLED AND CANNED RIPE OLIVES; COOKING AND SALAD OILS, NAMELY, VIRGIN OLIVE OIL; CORN OIL, BLENDED OIL, AND SALAD OIL; MEAT PRODUCTS, NAMELY, PACKAGED MEATS, CHICKEN PARTS, BACON BITS, SMOKED AND CURED HAMS, SOPRESATTA SWEET, SOPRESATTA HOT, CAPPICOLA SWEET, CAPPICOLA HOT, MILANO SALAMI, AND NOSTRANO SALAMI, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: GOODS FOR LANDSCAPING, NAMELY, LIVING PLANTS, SEEDLINGS, SOD, LIVE TREES AND BUSHES, MULCH, TOP SOIL, RAW BARK, FLOWER SEEDS AND BULBS, LIVE FLOWERING PLANTS, GRASS SEED, WREATHS OF DRIED FLOWERS AND CUT LIVE FLOWERS; CUT CHRISTMAS TREES; PRODUCE, NAMELY, FRESH FRUITS AND VEGETABLES; AND, FRESH WINE GRAPES, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: SPRING WATER; MINERAL WATER; APPLE JUICE BEVERAGES AND SWEET CIDER; SELTZER WATER; AND, FRUIT JUICES AND FRUIT-FLAVORED SELTZER WATER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: RETAIL STORE FEATURING WINE AND BEER-MAKING EQUIPMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,866,095, 1,932,689 AND OTHERS.

APPLICATION INCORPORATES BY REFERENCE THE CONSENT FROM MR. PETER CORRADO BY WHICH CONSENT THE SURNAME IS USED IN THE MARK HEREOF.

SEC. 2(F).

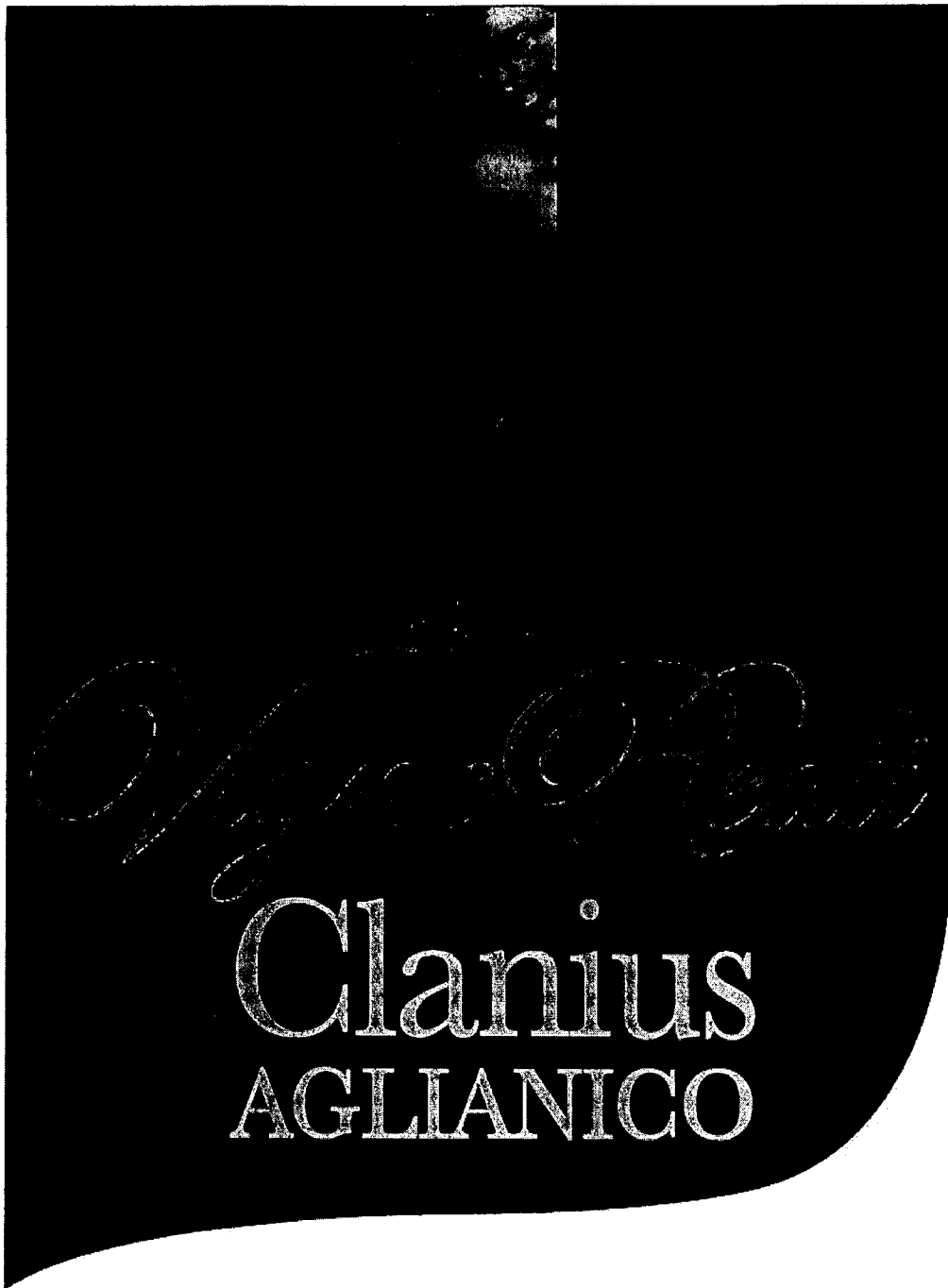
SER. NO. 76-630,310, FILED 2-3-2005.

STEVEN JACKSON, EXAMINING ATTORNEY

CORRADO'S MARKS OWNED BY CORRADO'S FAMILY ENTERPRISES

<u>Mark</u>	<u>Reg. No.</u>	<u>App. No.</u>	<u>Int'l. Cl.</u>	<u>Owning Entity</u>
Corrado's	N/A	85/571,466	035	Corrado's Wines & Liquors, Inc.
Corrado's	3,131,690	76/630,310	029, 031, 032, 035	Corrado's Specialty Goods, Inc.
Corrado's	3,895,797	76/702,835	035	Corrado's Garden Center, Inc.
Corrado's	3,858,629	76/700,070	035	Corrado's Pet Market, LLC
Corrado's	3,694,478	76/687,571	004	Corrado's Specialty Goods, Inc.
Corrado's	3,570,993	76/684,822	004, 037	CFA Gas, Inc.
Corrado's	1,883,758	74/468,951	030	Corrado's Specialty Goods, Inc.
Corrado's Family Affair	1,866,095	74/468,950	042	Corrado's Specialty Goods, Inc.

Exh.B



Exh.C

Insider: The Inside Look At Whole Food's Local Store | Wal-Mart Pricing Report | Asian Market Profile

ALSO INSIDE

9th ANNUAL PRODUCE
FOODSERVICE PORTFOLIO
Starts on Page 99

producebusiness

10 TOP Taste Trends

The role of produce on America's
menus is growing exponentially.

Exh.D

ALSO INSIDE:

New York Regional Market Profile 2007

Starts on Page 43

Corrado's

WHOLESALE FOOD MARKETING CENTER

Corrado's Family Affair

In an era when independent supermarkets struggle to survive, Corrado's doesn't just live — it thrives.

By Jacqueline Ross Lieberman

LOCATED IN CLIFTON, NJ, CORRADO'S FAMILY AFFAIR IS NOT JUST ONE STORE, BUT SEVERAL. ON ONE SIDE OF THE ROAD LIES THE MAIN RETAIL STORE WITH 44 REGISTERS AND 56,000 SQUARE FEET, SOON TO BECOME 80,000 AS THE STORE EXPANDS OVER THE NEXT TWO YEARS. ACROSS THE STREET IS A WHOLESALE MARKET OPEN TO THE PUBLIC, A GORGEOUS GARDEN CENTER BIG ENOUGH FOR LANDSCAPERS TO DO ONE-STOP SHOPPING, AND A WINE- AND BEER-MAKING CENTER WHERE AMATEURS CAN STOCK UP ON ALL THE SUPPLIES THEY NEED, FROM CALIFORNIA GRAPES PRESSED BEFORE THEIR EYES TO AGING BARRELS TO BOTTLES WITH CUSTOM LABELS. SHARING A PARKING LOT IS CORRADO'S CHILDREN'S CLOTHING STORE. NEXT TO THE RETAIL STORE, A CORRADO'S GAS STATION WILL SOON BE ADDED TO THE MIX.

Independently owned and family-run for about 50 years (many of late founder James Corrado's grandchildren now work there), Corrado's is home to an eclectic mix of specialty items — many of which are private-label — and one-stop produce shopping, all with excellent quality at value prices. It is no wonder that customers travel for miles to shop here.

"We open at 5 AM and there are people waiting for the retail store to open," says Jerry Corrado, co-owner with brothers Joe and Peter. "We get them from everywhere — from Connecticut, from New York."

Outside the main doors to the retail store, shoppers immediately notice beautiful, bountiful displays of produce. Inside, produce takes up one-third of the store. It takes 51 people working in the produce department alone to keep things running as smoothly as they do here. In an area of New Jersey not known for upscale shopping, the high-quality produce sold at Corrado's is a huge draw for customers. "Everybody loves produce," he relates. "Every national. We do have something for everyone here."



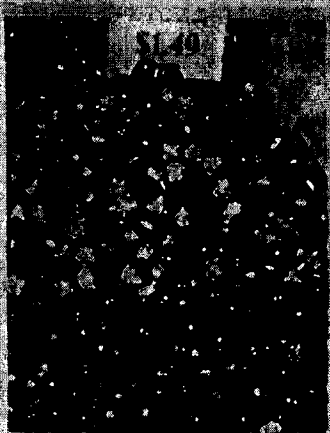
From left to right: Peter, Joe, and Jerry Corrado of L.V.C. Produce Corp.

Indeed, the produce aisles are filled with not just American staples like tomatoes, lettuce, apples and bananas, but several varieties of peppers and squashes, ripe avocados, plantains and even fresh raw almonds, which are popular in Middle Eastern cuisine. "We try to make everybody happy," notes Jerry.

That goes for environmentally conscious consumers, as well. While organic is still a small part of produce sold here, "It's getting more and more popular," he adds.

The value also makes everyone happy. "When we sell peppers at \$1 a pound, everyone else is getting \$3," explains Joe. So why not undersell the competition by just a little? "It's the way we always did it. We love our customers. Instead of selling for \$2.50 and selling two boxes, I'd rather sell it for 89¢ and sell half a load. And everyone smiles at you as they leave."

While 90 percent of the produce comes direct from the growers, an important 10 percent comes from the Hunt's Point Terminal Market in the Bronx, NY. During the summer months, Corrado's stocks the freshest produce possible by buying whatever is available locally in season, says Jerry. "We have a garden in South Jersey every day."



The concern for freshness carries over to cut produce. Customers can watch as a worker behind glass cuts fruit, packs it and places it on display. In addition to being

high-quality fresh meat, fresh fish, grocery items (including an entire aisle of private-label imported pastas) and wines.

Supplying The Trade

Across the street is the 200,000-square-foot wholesale store. Although it has 30 delivery trucks offering service to local restaurants, many bring their own trucks. Amid the hustle and bustle, "It's like Hunt's Point Market out here in the morning," notes Jerry.

Inside, shelves are stacked high with more specialty items, such as bottles of private-label olive oil and capers from Spain and Italy. The wholesale produce is sold in bulk — not packaged — and customers can pick and choose the pieces they like, loading boxes of everything from lemons to tomatoes themselves.

The store also offers canning equipment for New Jersey's rightfully famous tomatoes. Jerry estimates that the brothers sell about 20,000 bushels of plum tomatoes for canning each year.

At the adjacent garden center, landscapers and homeowners alike can get everything from rose bushes to plum trees to fountains and pottery imported from Italy. The area stays active even after summer ends. "During Halloween, it's all pumpkins. Christmas, it's all Christmas trees," says Jerry.

An Amateur Winemaker's Paradise

Winemaking is a growing hobby, and Corrado's — which offered wine grapes from its beginning — has everything an amateur could want to make several types of wine, plus beer. "We sell the hops, we sell the

grapes, we sell the juice, and all the possible equipment that you need," explains Jerry. "There are a lot of knowledgeable people working here to get you through it."

Winemakers can choose from several varieties of grapes from famous winemaking regions, such as Napa and Sonoma, which are squeezed in a press right in front of them. Other important items, such as stainless steel barrels for aging and oak chips used to infuse flavor, await their purchase.

The store is known for its annual amateur winemaking competition, held each January. "We get about 500 entries each year," says Jerry. "The American Wine Society (based in Lawrenceville, GA) and some individuals help judge it."

An estimated 1,800 people attended last year's competition. "It's a great party," proclaims Joe. "They come in by busloads and in limousines."

pb

During the summer months, Corrado's stocks the freshest produce possible by buying whatever is available locally.

fresh, the produce displayed is also at its peak ripeness. To ensure this, Corrado's has its own ripening and gassing rooms.

While what can be found in the produce section may be surprising, what cannot be found is just as interesting. "You don't see too many paper products here," says Jerry. "No soap."

And, adds Joe, except for produce, "There are no staple items. It's all specialty." Below a ceiling hung with specialty meats and cheeses, an international deli section caters to those with a nose for quality. Mozzarella, for example, is made in-store for optimum freshness, and other specialty items are shipped in from around the world. Other sections of the store offer items such as

Corrado's
1578 Main Avenue
Clifton, NJ 07011
800-232-6758



THE LOOK: Toys 'R' Us

SPECIAL REPORT: Retail Review & Outlook

Jan./Feb. 2009

Retail Merchandiser

retailmerchandiser.com

Category Insight:
Gamers

CES Wrap:
Quality Over Quantity

Retail Tech:
Retail-Based Kiosks

Marketing:
The Affinity Cloud

Building an Experience

Build-A-Bear Workshop's founder and CEO Maxine Clark provides sage advice for retailers seeking to build a branded shopping experience.

Exh. D



All in the Family

This family-owned supermarket relies on its founding vision of innovation, quality, consistency, and a hands-on approach to managing a business.

Headquartered in Clifton, NJ, Corrado's Market is more than your average grocery store. It's the culmination of three generations' focus on building the family business on the foundation laid by founder Jimmy Corrado.

When Jimmy Corrado started his business in the 1960s, it was with one truck from which he sold wholesale goods, including fresh produce, flowers, and California juice grapes. Over the years, the truck's inventory grew, and Corrado eventually moved to the Patterson farmer's market.

Affair—the first iteration of what is now Corrado's Market, a bustling grocery store catering to Italian, Latin, and Arabic nationalities.

"There was a huge Italian population in Clifton years ago, but it's changed a lot," said Paul Corrado, owner, vice president, and grandson to founder Jimmy. "Now we have a lot of Spanish, Arabic, and Eastern European customers. Our Italian items still do very well here, but we have started to import from Turkey and Spain and Bulgaria—all different areas to accommodate the majority of people here."

PROFILE

Corrado's Market

Paul Corrado, owner and vice president

www.corradomarket.com

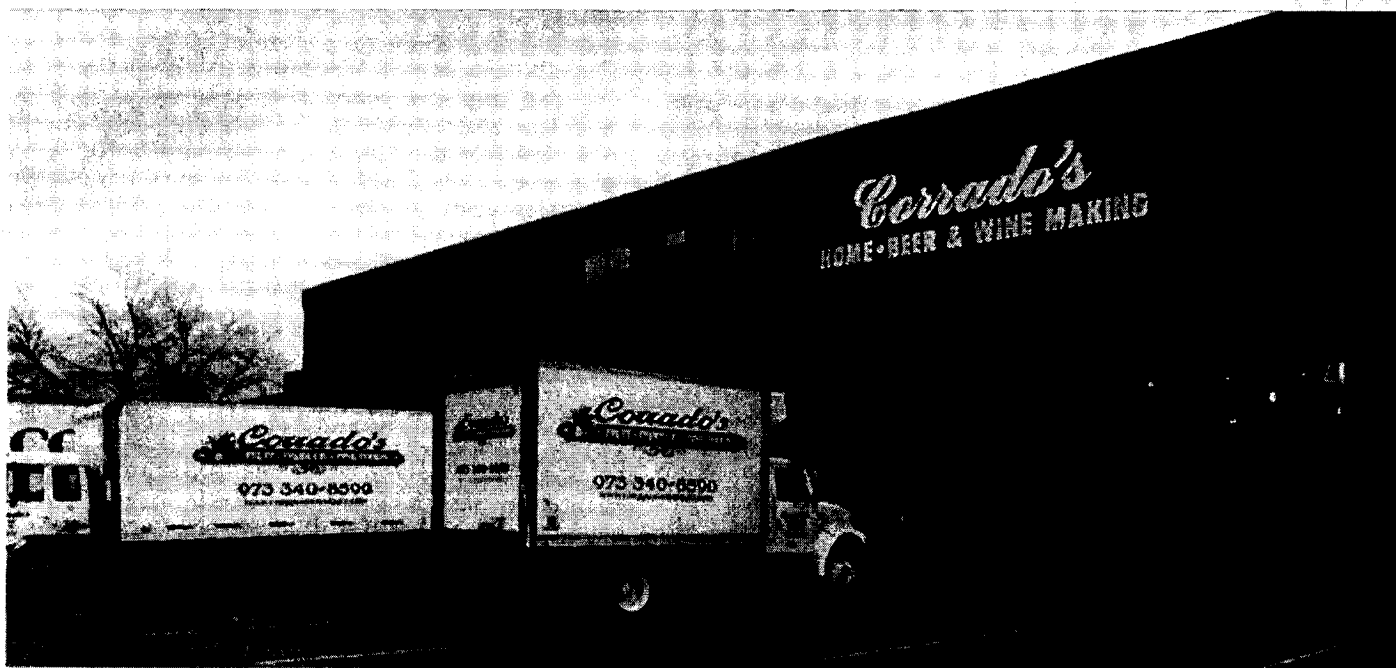
HQ Clifton, NJ

Services Wholesale and retail specialty supermarket, garden center, wine and beer brewing, and gas station

From there, he acquired an abandoned supermarket in Clifton, fixed it up, and expanded his inventory to include cheese, eggs, and meats. By the mid 1970s, the business had grown from a small tent in the farmer's market to Corrado's Family

Spirit of innovation

That spirit of innovation has served the business well over the years. From its first store in Patterson, which primarily focused on produce, Corrado's Market has grown and now covers a 40-acre property. On those 40 acres, customers will find the 65,000-square-foot Corrado's Market, a wholesale warehouse,



a garden center, a home beer and wine making center, and a gas station with additional retail space.

In the supermarket, customers see aisles packed to capacity with imported specialty products, produce, fresh meat, fish, and deli and baked goods. "Any time you come to Corrado's Market, it's very cluttered," said Corrado. "Product is all over. Our motto is every square foot of the store is valuable, so don't leave anything open or empty. It's always got to be filled with massive, massive displays. That's just how we do it. No square foot goes unused in this establishment."

The 150,000-square-foot warehouse, which is across the street from the supermarket, helps Corrado's Market keep its prices consistently low by giving the family a place to store items it orders in bulk. With four walk-in refrigerator boxes, a state-of-the-art freezer that hold 230 pallets, 12 full-functioning

banana gas rooms, and hours stretching from 7 a.m. to 9 p.m., the warehouse enables Corrado's to offer its wholesale customers, such as restaurants, stores, pizzerias, and delis, the same customer service, quality, and low-cost goods as its supermarket.

The warehouse receives trailer deliveries of fresh produce from the US daily, fresh fish from markets in the area each morning, and fine cheese from around the world. "If I see the market or the Euro is going to jump, I try to make a little sense of how it will play out and use that information to decide when to buy and when not to," said Corrado.

In late 2007, Corrado's Market ventured into a new industry. With 40 trucks on the road for the wholesale delivery side of its business, when gas prices started rising and the lines to purchase gas started growing, the company purchased a local gas station to solve both problems. From there, the company



started offering its lower-priced gas to the public, and, today, the station pumps about 10,000 gallons a day.

"We bought that gas station to fill our own trucks, and from there we decided to put a cheap price out there because we're doing it on everything else we sell," Corrado said. "Especially in these hard economic times, with the gas prices fluctuating, it's just paid off."

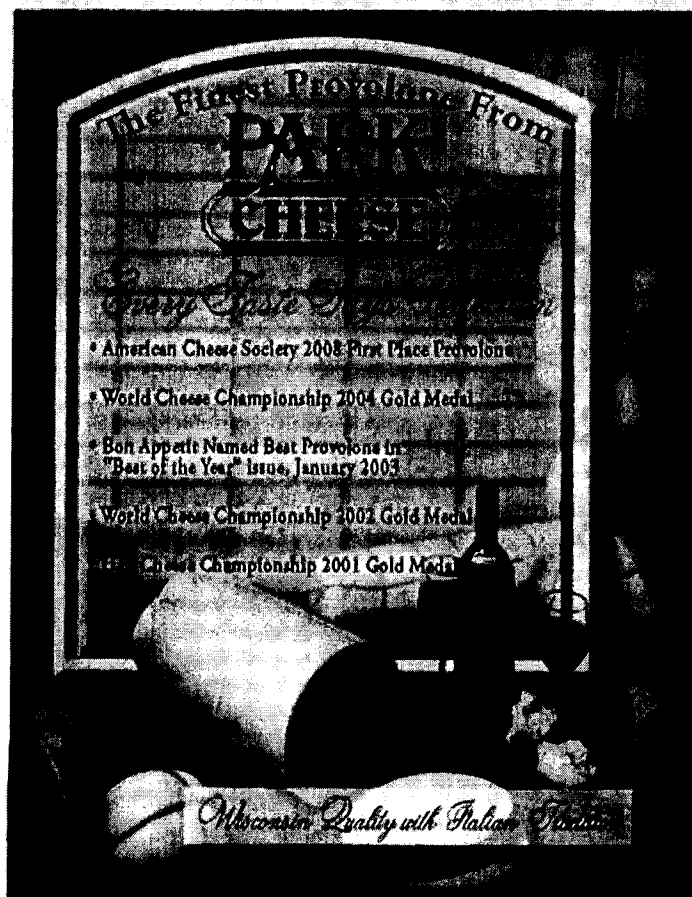
Secret of success

From 5 a.m. to 10 p.m., 364 days a year, any time customers come to Corrado's Market, they're sure to find a Corrado family

member there. As one of the third generation of Corrados to be in the family business, Paul even admits to pulling 70- to 75-hour workweeks, but he does it without complaint.

"I don't know how many chain stores you can go to and find the president or one of the owners of the shop actually working a register, doing a void, or dealing with the day-to-day operations," he said. "I interact with my employees all day long every day. I feel that has a lot to do with why we're successful today."

The philosophy continued to pay off in September when Corrado's Market opened its second location in Wayne, NJ.



Congratulations

Corrado's

on the success
of your new store!

We are proud to be
a member of your team.

LIND DESIGN

info@linddesign.com 718-463-1100

RETAIL STORE PLANNING • DESIGN • DECOR • GRAPHICS

Many of the customers who came to the Clifton store were from the Wayne area, and, after hearing requests to have a new Corrado's Market location, the family decided to expand.

And they were right on target. According to reports, when the doors opened at 7 a.m., customers had already been waiting for 30 minutes for a first glimpse of the new store. Located in an 88,000-square-foot shopping center the Corrado family purchased, the 40,000-square-foot Corrado's Market pays homage to its roots with posters dating back to the 1930s.

There are a few differences between the two locations, with more prepared foods and smaller containers of staples like olive oil at the Wayne Location. But the same low-price guarantee and customer service is a promise Corrado said the new location will keep.

"Our basic mentality throughout the years, from my grandfather down, is to have larger buying power and massive shows and displays, especially in produce," Corrado said. "We have cheaper prices, and we turn the product over quickly to maintain the freshest quality."

"My grandfather always said a fast nickel is better than a slow dime any day of the week," he continued. "That mentality was



instilled into my father and his two brothers, and then it came down to the seven grandsons who run the business today. That tight-knit family feel is how we keep the employees happy, how we take care of them, and how we make sure we're taking care of our customers." ☺

—Amanda Gaines

Haddon House Food Products, Inc. is a proud supplier to Corrado's Family Affair

The highest in-stocks
Personalized customer service
Dedicated responsiveness at store level
Marketing programs unequalled in the industry
Grocery, frozen, dairy delivered on one truck

Over 15,000 item selection
Authentic Ethnic food selection
Natural and Organic, including HBC
Largest selection of Kosher in the US
Domestic and Imported specialty products

HADDON HOUSE

FOOD PRODUCTS, INC.

Medford, New Jersey • Richburg, South Carolina • Howell, New Jersey
www.haddonhouse.com • 609-654-7901 • 800-257-6174

HOME

ONLINE STORE

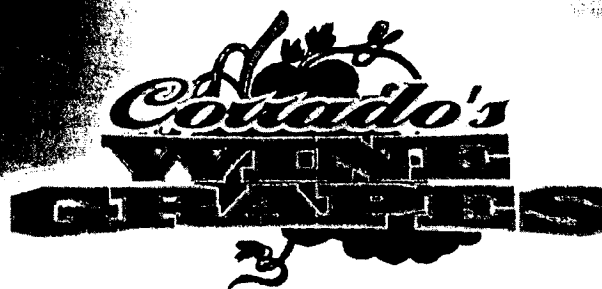
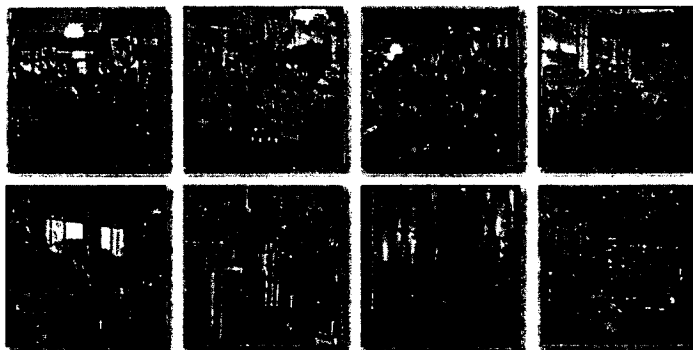
JOB
OPPORTUNITIESWINE
CONTESTCATERING
MENUNEWS &
MEDIA

CONTACT US



20

CORRADO'S HOME BEER & WINE MAKING CENTER

WINEMAKING & HOME BREWING
C E N T E R

YOUR #1 SOURCE
FOR ALL YOUR
HOME WINE &
BEER MAKING NEEDS

Corrado's Home Beer and Winemaking Center offers everything you need to become a skilled wine or beer maker! Come see our state-of-the-art equipment, supplies, and wine & beer paraphernalia! Talk with one of our knowledgeable staff-members about making beer or wine in your very own home!

A CLICK ON THE THUMBNAILS ABOVE TO SEE MORE DETAIL



Exh. E

[HOME](#)[ONLINE STORE](#)[JOB
OPPORTUNITIES](#)[WINE
CONTEST](#)[CATERING
MENU](#)[NEWS &
MEDIA](#)[CONTACT US](#)

6

2012 WINEMAKING COMPETITION

[VIEW PICTURES
FROM OUR
LATEST EVENT](#)

[2012 RESULTS](#)

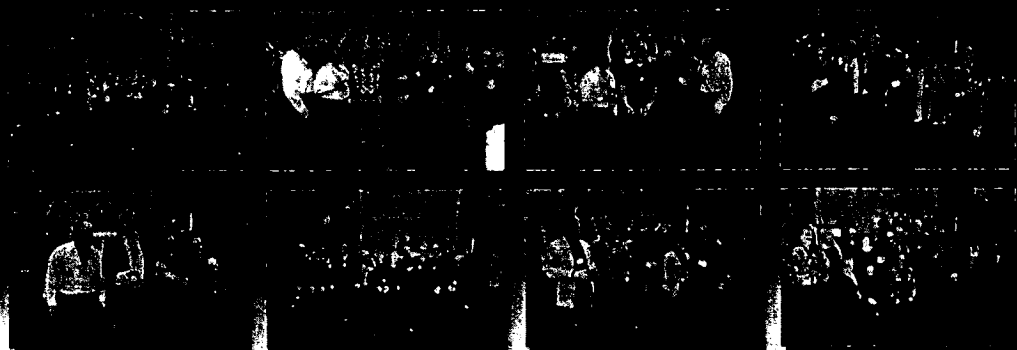
[2011 RESULTS](#)

[2010 RESULTS](#)

[PAST RESULTS](#)

We would like to congratulate this year's winner of the James Corrado Annual Winemaking Competition, Dr. Michael Milano. It was a great evening for all who participated and we are hoping for another great turnout for our 14th Annual Amateur Winemaking Competition.

13th James Corrado Annual
Amateur Winemaker of the Year
Dr. Michael Milano



Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-03-23 14:16:23 ET

Serial Number: 85571466 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

CORRADO'S

(words only): CORRADO'S

Standard Character claim: Yes

Current Status: New application will be assigned to an examining attorney approximately 3 months after filing date.

Date of Status: 2012-03-20

Filing Date: 2012-03-16

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 042 -New Application Processing

Date In Location: 2012-03-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CORRADO'S WINES AND LIQUORS, INC.

Address:

CORRADO'S WINES AND LIQUORS, INC.

Exh.F

GOODS AND/OR SERVICES

First Use in Commerce Date: 1980-07-30

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2012-03-20 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Fax Number: (973) 779-4473

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CORRADO'S SPECIALTY GOODS, INC.)	
a New Jersey Corporation, Opposer	)	Opposition No.:
	)	Serial No.: 85/453,781
v.	)	Mark: CORRADO CAPUTO 1890
	)	Filed:
CAPUTO 1890 s.r.l.	)	Publication Date: April 3, 2012
a Corporation of the Italian Republic, Applicant)	

OPPOSITION

To the Hon. Commissioner of Patents and Trademarks:

In the matter of the application of **CAPUTO 1890 s.r.l.** (hereinafter called Applicant) for registration of the trademark **CORRADO CAPUTO 1890**, Application Serial No. 85/453,781 published in the *Official Gazette* of April 3, 2012. **CORRADO'S SPECIALTY GOODS, INC.**, a New Jersey Corporation, with offices at 1578 Main Avenue, Clifton, New Jersey 07011, (hereinafter called Opposer), believes that it will be damaged by registration of the mark shown in Serial No. 85/453,781 and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is and has been for many years engaged in the extensive production, promotion, advertising and sale of a wide variety of food products and, more specifically, a wide variety of wine-related products. In connection therewith Opposer has used in interstate commerce the trademark CORRADO'S, since January 2, 1973, well prior to Applicant's date of first use of the trademark CORRADO CAPUTO 1890.

2. Opposer owns federal trademark Registration Nos. 1,866,095 for the trademark CORRADO'S FAMILY AFFAIR for services in International Class 042, and 3,131,690 for the trademark CORRADO'S for Goods and Services in International Classes 029, 031, 032 and 035, namely:

MAILING CERTIFICATE

I hereby certify that this correspondence is being e-filed on the date sign below, or is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451

Signature: Siegmars Silber Date: July 25, 2012
ALEXANDRIA, VA 22313-1451
SIEGMAR SILBER, 26,233

"retail store services featuring fresh fruit" [wine grapes, I.C. 042]; "fresh wine grapes" [I.C. 031]; and, "retail store featuring wine- and beer-making equipment" [I.C. 035]. True copies of said Registrations are attached hereto as Opposer's Exhibit A.

3. The Opposer hereof is part of the Corrado family enterprises which own CORRADO'S trademarks shown in Exhibit B. Additionally, another entity, Corrado's Wines and Liquors, Inc., is filing of even date herewith an Opposition to the registration of the CORRADO CAPUTO 1890 mark. For purposes of clarity, where both Opposers are discussed, the undersigned is referred to as "Opposer Specialty" and the wines and liquors store as "Opposer Wines and Liquors". The sale of wines under the brand CORRADO CAPUTO 1890 adds additional confusion as to source of goods as Applicant's goods would appear to be a private label of the wine store. See Exhibit C.

4. Opposer's goods bearing said CORRADO'S trademark have been extensively and continuously offered to the public through various channels of trade, including retail distribution and distribution to winemakers, both amateur and professional. Opposer has also extensively promoted its products and services under said trademarks throughout the United States in local media and trade publications. By reason of such promotion, advertising and distribution of Opposer's goods bearing said trademarks, the retail and wholesale publics have come to recognize CORRADO'S as signifying the Opposer as the source for wine grapes and wine-making equipment and as the sponsor of annual wine-making competitions. See Exhibits D and E. Further, Opposer has created extensive good will in connection with the sale of goods and services under its said trademarks.

5. Notwithstanding Opposer's prior rights in and to said trademarks, Applicant on information and belief on October 12, 2011 filed an application for registration of the trademark CORRADO CAPUTO 1890 for goods, namely,

in International Class: 033 : wines

said Application was provided Serial No. 85/453,781 and the mark was published for opposition in the **Official Gazette** of April 3, 2012.

6. Registration of the proposed mark should be refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 1,866,095 and 3,131,690 and in Application No. 85/571,466. Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 *et seq.* See the enclosed registration. Trademark Act Section 2(d) bars registration where an applied-for mark so resembles a registered mark that it is likely, when applied to the goods and/or services, to cause confusion, mistake or to deceive the potential consumer as to the source of the goods and/or services. TMEP §1207.01. The Court in ***In re E. I. DuPont de Nemours & Co.***, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), listed the principal factors to consider in determining whether there is a likelihood of confusion. Among these factors are the similarity of the marks as to appearance, sound, meaning and commercial impression, and the relatedness of the goods and/or services. The overriding concern is to prevent buyer confusion as to the source of the goods and/or services. ***In re Shell Oil Co.***, 992 F.2d 1204, 1208, 26USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt as to the existence of a likelihood of

confusion must be resolved in favor of the registrant. *In re Hyper Shoppes (Ohio), Inc.*, 837F2d 840, 6 USPQ2d 1025 (Fed. Cir. 1988); *Lone Star Mfg C. v Bill Beasley, Inc.* 498 F.2d 906, 182 USPQ 368 (C.C.P.A. 1974).

7. It is noted that in addition Opposer Specialty has appended Application No. 85/571,466 which is owned by a related entity, Opposer Wines and Liquors. See Exhibit F.

8. The marks are similar in appearance, sound, connotation and commercial impression. The first word in the applicant's mark, CORRADO, is very similar to the first word in Reg. Nos. 1,866,095 and 3,131,690, i.e. CORRADO'S, and to the word that comprises the mark in the other cited application, Application No 85/571,466, i.e., CORRADO'S. The fact that CORRADO in the applicant's mark is not in possessive form while the corresponding portions of the cited marks are in possessive form is a minor difference that does not obviate the likelihood of confusion.

9. Furthermore, in Reg. No. 1,866,095, CORRADO'S is followed by other wording, i.e., FAMILY AFFAIR, does not overcome the likelihood of confusion. The mere deletion of wording from a registered mark is not sufficient to overcome a likelihood of confusion under Section 2(d). See *In re Optica Int'l.*, 196 USPQ 775 (TTAB 1977) (where applicant filed to register the mark OPTIQUE for optical wear, deletion of the term BOUTIQUE is insufficient to distinguish the mark, *per se*, from the registered mark OPTIQUE BOUTIQUE when used in connection with competing optical wear). In the present case, the wording in applicant's mark does not create a distinct commercial impression because it contains the same common wording as registrant's mark, and the other wording does not distinguish it from registrant's mark.

10. Additionally, the inclusion in Applicant's mark of letters in stylized form while the cited marks are simply typed marks does not obviate the likelihood of confusion. When a mark consists of a word portion and a design portion, the word portion is more likely to be impressed upon a purchaser's memory and to be used in calling for the goods and services. Therefore, the word portion is normally accorded greater weight in determining likelihood of confusion. *In re Dakin's Miniatures Inc.*, 59 USPQ 2d, 1596 (TTAB 1999); *In re Appetito Provisions Co.*, 3 USPQ2d 1553 (TTAB 1987); *Amoco Oil Co v. Amerco, Inc.*, 192 USPQ 729 (TTAB 1976); TMEP §1207.01(c)(ii).

11. Furthermore, the goods and/or services in conjunction with which the marks are used or are intended to be used are identical or are related. Here, Opposer posits that wines of Applicant are related to wine grapes, wine-making equipment and wine competitions of Opposer. When the oppositions of the Corrado family enterprises, namely that by Opposer Specialty and by Opposer Wines and Liquors, are taken together the Opposers' position is strengthened as "retail and wholesale store services featuring wine" is added. It is noted that food products and food-related services have been considered related goods and services under Section 2(d). Here the relationship comparison is analogous, namely, between wines and wine grapes, wine-making equipment and retail services in connection therewith. *In re H.J. Seiler Co.*, 289 F.2d 674, 129 USPQ 347 (C.C.P.A. 1961) (likelihood of confusion between SEILER'S catering services and SEILER'S smoked and cured meats); *In re Opus One Inc.*, 60 USPQ2d 1812 (TTAB 2001) (likelihood of confusion between OPUS ONE for restaurant services and the identical mark for

wine); *In re Comexa Ltda.*, 60 USPQ2d 1118 (TTAB 2001) (likelihood of confusion between AMAZON for restaurant services and AMAZON and design for chili sauce and pepper sauce); *In re Azteca Restaurant Enterprises, Inc.*, 50 USPQ2d 1209 (TTAB 1999) (AZTECA MEXICAN RESTAURANT for restaurant services held likely to be confused with AZTECA for Mexican food products); *In re Golden Griddle Pancake House Ltd.*, 17 USPQ2d 1074 (TTAB 1990) (GOLDEN GRIDDLE PANCAKE HOUSE for restaurant services held likely to be confused with GOLDEN GRIDDLE for table syrup); *In re Mucky Duck Mustard Co. Inc.*, 6 USPQ2d 1467 (TTAB 1988) (likelihood of confusion between MUCKY DUCK with duck design used on mustard and MUCKY DUCK with duck design used on restaurant services); *In re Appetito Provisions Co Inc.*, 3 USPQ2d 1553 (TTAB 1987) (likelihood of confusion between APPETITO and design used on Italian sausage and A APPETITO'S with sandwich design used on restaurant services); *In re Best Western Family Steak House, Inc.*, 222 USPQ 827 (TTAB 1984) (likelihood of confusion between BEEFMASTER used on restaurant services and BEEF MASTER used on frankfurters and bologna); *Roush Bakery Prods. Co v. Ridlen*, 190 USPQ 445 (TTAB 1976) (likelihood of confusion between HILLBILLY and design used on bread and HILLBILLY RESTAURANT used on restaurant services); *In re Pick-N-Pay Supermarkets, Inc.*, 185 USPQ 172 (TTAB 1974) (likelihood of confusion between PICK-N-PAY used on grocery items and supermarket services and PIK-N-PAY used on cafeteria services.

WHEREFORE, Opposer believes that it will be damaged by said registration and prays that it be **denied**.

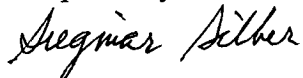
This Opposition is being submitted in triplicate as required by 37 C.F.R. §2.102(d).

The filing fee of this Opposition in the amount of \$300.00 is enclosed.

Please respond to:

Siegmar Silber, Esq.
SILBER & FRIDMAN
1037 Route 46 East, Suite 207
Clifton, New Jersey 07013
Tel: (973) 779-2580 Fax: (973) 779-4473

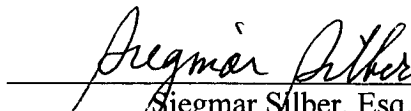
Respectfully submitted,


Siegmar Silber, Esq.
Registration No. 26,233
Attorney for Opposer

CERTIFICATION

I, Siegmar Silber, Attorney for Opposer, hereby certify that a copy of the above Opposition has been mailed to the Applicant's representative.

Date: July 25, 2012


Siegmar Silber, Esq.
Attorney for Opposer

tmaps/corrados301opposition.notice

Int. Cl.: 42

Prior U.S. Cl.: 101

United States Patent and Trademark Office

Reg. No. 1,866,095

Registered Dec. 6, 1994

**SERVICE MARK
PRINCIPAL REGISTER**

CORRADO'S FAMILY AFFAIR

CORRADO'S SPECIALTY GOODS, INC. (NEW
JERSEY CORPORATION)
1578 MAIN AVENUE
CLIFTON, NJ 07011

FOR: RETAIL STORE SERVICES FEATURING FRESH FRUITS AND VEGETABLES, BAKED GOODS, FRESH FISH AND MEATS, SPECIALTY FOODSTUFFS; NAMELY, DOMESTIC AND IMPORTED TEAS, COFFEES,

CHEESES, AND LUNCHEON MEATS, IN CLASS 42 (U.S. CL. 101).

FIRST USE 1-4-1960, IN COMMERCE 1-4-1960.

"CORRADO" IDENTIFIES A LIVING INDIVIDUAL WHOSE CONSENT IS OF RECORD.

SER. NO. 74-468,950, FILED 12-13-1993.

EVERETT FRUEHLING, EXAMINING ATTORNEY

Exh. A

Int. Cls.: 29, 31, 32 and 35

Prior U.S. Cls.: 1, 45, 46, 48, 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,131,690

Registered Aug. 22, 2006

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

CORRADO'S

CORRADO'S SPECIALTY GOODS, INC. (NEW
JERSEY CORPORATION)
1578 MAIN AVENUE
CLIFTON, NJ 07011

FOR: CHEESE PRODUCTS, NAMELY, WHOLE-MILK AND PART-SKIM MILK MOZZARELLA, AND WHOLE-MILK AND PART-SKIM MILK RICOTTA; PROCESSED VEGETABLES, NAMELY, CANNED STRAW MUSHROOM; CANNED BEANS, NAMELY, RED KIDNEY BEANS, CANNALINNI BEANS, AND CHICK PEAS; AND, PROCESSED TOMATO PRODUCTS, NAMELY, PEELED TOMATOES, CRUSHED TOMATOES, TOMATO PUREE, TOMATO PASTE; APPETIZERS AND CONDIMENTS, NAMELY, BLACK OLIVE PATE, ROASTED PEPPERS, AND BOTTLED AND CANNED RIPE OLIVES; COOKING AND SALAD OILS, NAMELY, VIRGIN OLIVE OIL; CORN OIL, BLENDED OIL, AND SALAD OIL; MEAT PRODUCTS, NAMELY, PACKAGED MEATS, CHICKEN PARTS, BACON BITS, SMOKED AND CURED HAMS, SOPRESATTA SWEET, SOPRESATTA HOT, CAPPICOLA SWEET, CAPPICOLA HOT, MILANO SALAMI, AND NOSTRANO SALAMI, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: GOODS FOR LANDSCAPING, NAMELY, LIVING PLANTS, SEEDLINGS, SOD, LIVE TREES AND BUSHES, MULCH, TOP SOIL, RAW BARK, FLOWER SEEDS AND BULBS, LIVE FLOWERING PLANTS, GRASS SEED, WREATHS OF DRIED FLOWERS AND CUT LIVE FLOWERS; CUT CHRISTMAS TREES; PRODUCE, NAMELY, FRESH FRUITS AND VEGETABLES; AND, FRESH WINE GRAPES, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: SPRING WATER; MINERAL WATER; APPLE JUICE BEVERAGES AND SWEET CIDER; SELTZER WATER; AND, FRUIT JUICES AND FRUIT-FLAVORED SELTZER WATER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: RETAIL STORE FEATURING WINE AND BEER-MAKING EQUIPMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,866,095, 1,932,689 AND OTHERS.

APPLICATION INCORPORATES BY REFERENCE THE CONSENT FROM MR. PETER CORRADO BY WHICH CONSENT THE SURNAME IS USED IN THE MARK HEREOF.

SEC. 2(F).

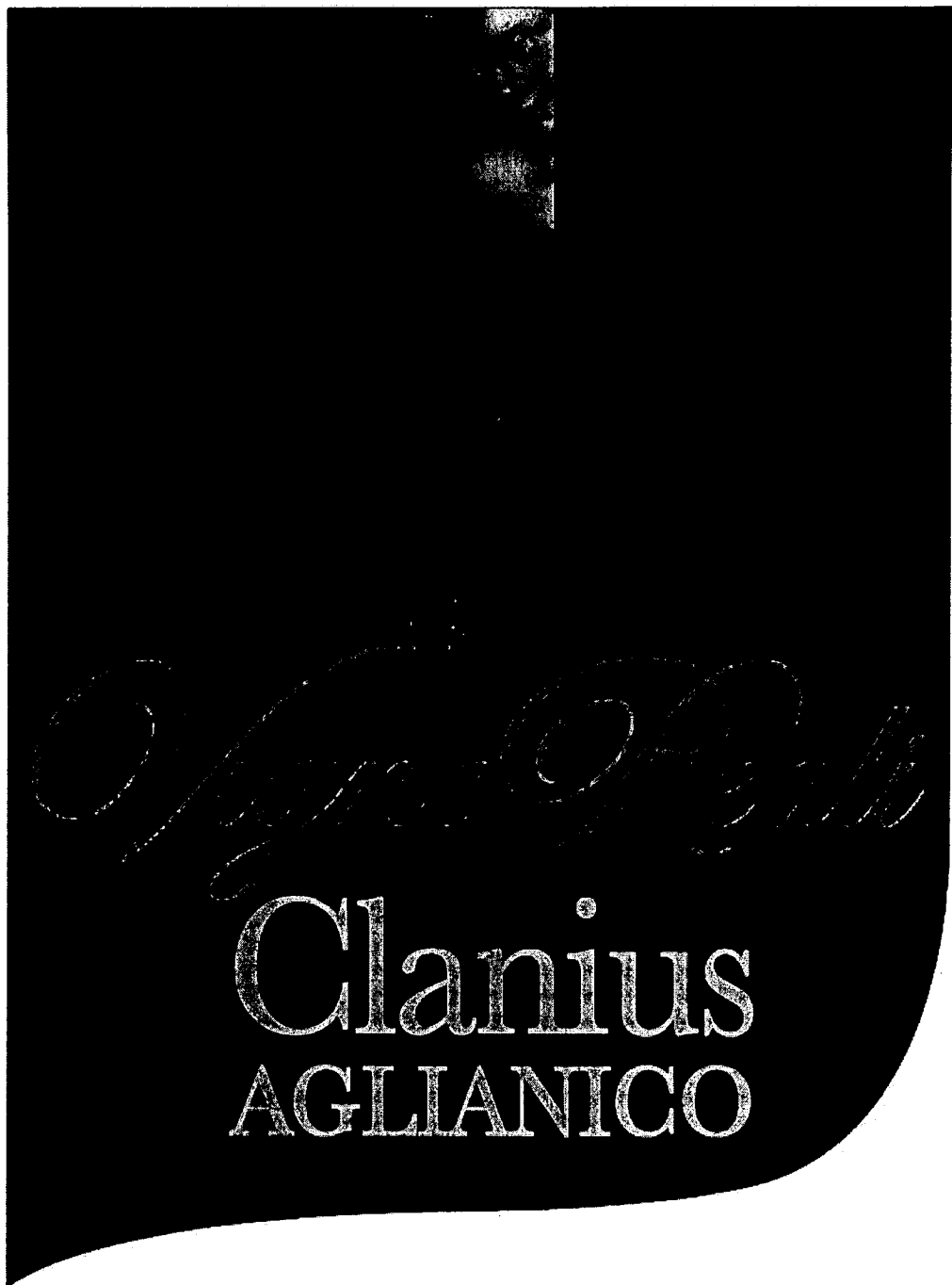
SER. NO. 76-630,310, FILED 2-3-2005.

STEVEN JACKSON, EXAMINING ATTORNEY

CORRADO'S MARKS OWNED BY CORRADO'S FAMILY ENTERPRISES

<u>Mark</u>	<u>Reg. No.</u>	<u>App. No.</u>	<u>Int'l. Cl.</u>	<u>Owning Entity</u>
Corrado's	N/A	85/571,466	035	Corrado's Wines & Liquors, Inc.
Corrado's	3,131,690	76/630,310	029, 031, 032, 035	Corrado's Specialty Goods, Inc.
Corrado's	3,895,797	76/702,835	035	Corrado's Garden Center, Inc.
Corrado's	3,858,629	76/700,070	035	Corrado's Pet Market, LLC
Corrado's	3,694,478	76,687,571	004	Corrado's Specialty Goods, Inc.
Corrado's	3,570,993	76/684,822	004, 037	CFA Gas, Inc.
Corrado's	1,883,758	74/468,951	030	Corrado's Specialty Goods, Inc.
Corrado's Family Affair	1,866,095	74/468,950	042	Corrado's Specialty Goods, Inc.

Exh. B



Exh. 1

Inside: The Numbers At Whole Food's London Store • Wal-Mart Pricing Reform • Asian Market

• Why Supercenters? • State Vendors

• The New York Regional Market Profile 2007

ALSO INSIDE
9th ANNUAL PRODUCE
FOODSERVICE PORTFOLIO
Starts on Page 99



9 MAY 2007 • \$6.95 • 22 • 10


producebusiness

10 TOP Taste Trends

The role of produce on America's
menus is growing exponentially.

Exh.D

ALSO INSIDE:
New York Regional Market Profile 2007



Starts on Page 43

Corrado's
WHOLESALE AND RETAIL MARKET

Corrado's Family Affair

In an era when independent supermarkets struggle to survive, Corrado's doesn't just live — it thrives.

By Jacqueline Ross Lieberman

LOCATED IN CLIFTON, NJ, CORRADO'S FAMILY AFFAIR IS NOT JUST ONE STORE, BUT SEVERAL. ON ONE SIDE OF THE ROAD LIES THE MAIN RETAIL STORE WITH 44 REGISTERS AND 56,000-SQUARE FEET, SOON TO BECOME 80,000 AS THE STORE EXPANDS OVER THE NEXT TWO YEARS. ACROSS THE STREET IS A WHOLESALE MARKET OPEN TO THE PUBLIC, A GORGEOUS GARDEN CENTER BIG ENOUGH FOR LANDSCAPERS TO DO ONE-STOP SHOPPING, AND A WINE- AND BEER-MAKING CENTER WHERE AMATEURS CAN STOCK UP ON ALL THE SUPPLIES THEY NEED, FROM CALIFORNIA GRAPES PRESSED BEFORE THEIR EYES TO AGING BARRELS TO BOTTLES WITH CUSTOM LABELS. SHARING A PARKING LOT IS CORRADO'S CHILDREN'S CLOTHING STORE. NEXT TO THE RETAIL STORE, A CORRADO'S GAS STATION WILL SOON BE ADDED TO THE MIX.

Independently owned and family-run for about 50 years (many of late founder James Corrado's grandchildren now work there), Corrado's is home to an eclectic mix of specialty items — many of which are private-label — and one-stop produce shopping, all with excellent quality at value prices. It is no wonder that customers travel for miles to shop here.

"We open at 5 AM and there are people waiting for the retail store to open," says Jerry Corrado, co-owner with brothers Joe and Peter. "We get them from everywhere — from Connecticut, from New York."

Outside the main doors to the retail store, shoppers immediately notice beautiful, bountiful displays of produce. Inside, produce takes up one-third of the store. It takes 51 people working in the produce department alone to keep things running as smoothly as they do here. In an area of New Jersey not known for upscale shopping, the high-quality produce sold at Corrado's is a huge draw for customers. "Everybody loves produce," he relates. "Every nationality. We do have something for everyone here."



(Left to right) Scott, Luciano and L.V.C. Produce Corp., Joe Corrado and Jerry Corrado

Indeed, the produce aisles are filled with not just American staples like tomatoes, lettuce, apples and bananas, but several varieties of peppers and squashes, ripe avocados, plantains and even fresh raw almonds, which are popular in Middle Eastern cuisine. "We try to make everybody happy," notes Jerry.

That goes for environmentally conscious consumers, as well. While organic is still a small part of produce sold here, "It's getting more and more popular," he adds.

The value also makes everyone happy. "When we sell peppers at \$1 a pound, everyone else is getting \$3," explains Joe. So why not undersell the competition by just a little? "It's the way we always did it. We love our customers. Instead of selling for \$2.50 and selling two boxes, I'd rather sell it for 89¢ and sell half a load. And everyone smiles at you as they leave."

While 90 percent of the produce comes direct from the growers, an important 10 percent comes from the Hunt's Point Terminal Market in the Bronx, NY. During the summer months, Corrado's stocks the freshest produce possible by buying whatever is available locally. In season, says Jerry, "We have a trailer in South Jersey every day."



The concern for freshness carries over to cut produce. Customers can watch as a worker behind glass cuts fruit, packs it and places it on display. In addition to being

high-quality fresh meat, fresh fish, grocery items (including an entire aisle of private-label imported pastas) and wines.

Supplying The Trade

Across the street is the 200,000-square-foot wholesale store. Although it has 30 delivery trucks offering service to local restaurants, many bring their own trucks. Amid the hustle and bustle, "It's like Hunt's Point Market out here in the morning," notes Jerry.

Inside, shelves are stacked high with more specialty items, such as bottles of private-label olive oil and capers from Spain and Italy. The wholesale produce is sold in bulk — not packaged — and customers can pick and choose the pieces they like, loading boxes of everything from lemons to tomatoes themselves.

The store also offers canning equipment for New Jersey's rightfully famous tomatoes. Jerry estimates that the brothers sell about 20,000 bushels of plum tomatoes for canning each year.

At the adjacent garden center, landscapers and homeowners alike can get everything from rose bushes to plum trees to fountains and pottery imported from Italy. The area stays active even after summer ends. "During Halloween, it's all pumpkins. Christmas, it's all Christmas trees," says Jerry.

An Amateur Winemaker's Paradise

Winemaking is a growing hobby, and Corrado's — which offered wine grapes from its beginning — has everything an amateur could want to make several types of wine, plus beer. "We sell the hops, we sell the

grapes, we sell the juice, and all the possible equipment that you need," explains Jerry. "There are a lot of knowledgeable people working here to get you through it."

Winemakers can choose from several varieties of grapes from famous winemaking regions, such as Napa and Sonoma, which are squeezed in a press right in front of them. Other important items, such as stainless steel barrels for aging and oak chips used to infuse flavor, await their purchase.

The store is known for its annual amateur winemaking competition, held each January. "We get about 500 entries each year," says Jerry. The American Wine Society (based in Lawrenceville, GA) and some individuals help judge it.

An estimated 1,800 people attended last year's competition. "It's a great party," proclaims Joe. "They come in by busloads and in limousines."

pb

During the summer months, Corrado's stocks the freshest produce possible by buying whatever is available locally.

fresh, the produce displayed is also at its peak ripeness. To ensure this, Corrado's has its own ripening and gassing rooms.

While what can be found in the produce section may be surprising, what cannot be found is just as interesting. "You don't see too many paper products here," says Jerry. "No soap."

And, adds Joe, except for produce, "There are no staple items. It's all specialty." Below a ceiling hung with specialty meats and cheeses, an international deli section caters to those with a nose for quality. Mozzarella, for example, is made in-store for optimum freshness, and other specialty items are shipped in from around the world. Other sections of the store offer items such as

Corrado's
1578 Main Avenue
Clifton, NJ 07011
800-232-6758



THE LOOK: Toys 'R' Us

SPECIAL REPORT: Retail Review & Outlook

Jan./Feb. 2009

Retail Merchandiser

retailmerchandiser.com

Category Insight:
Gamers

CES Wrap:
Quality Over Quantity

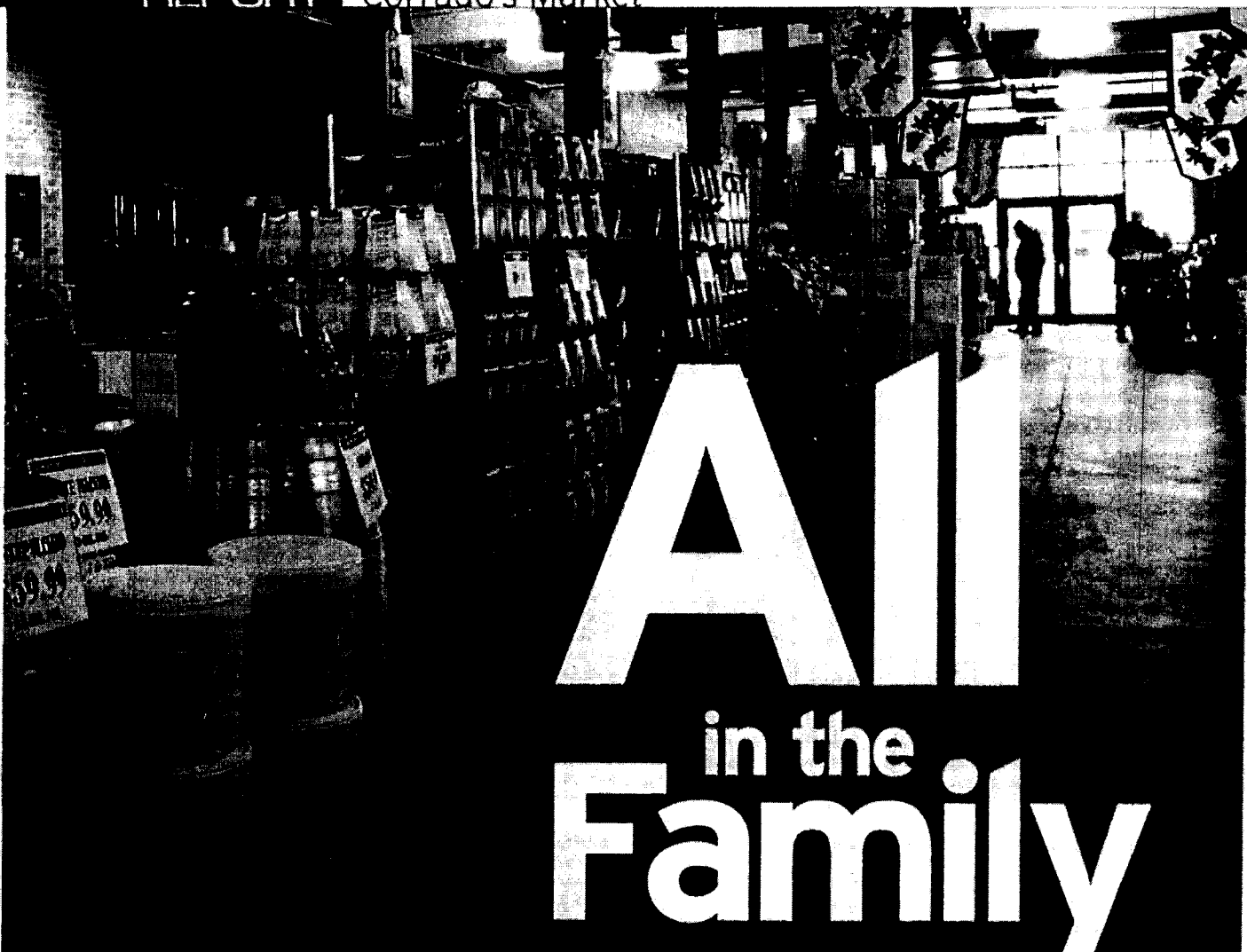
Retail Tech:
Retail-Based Kiosks

Marketing:
The Affinity Cloud

Building an Experience

Build-A-Bear Workshop's founder and CEO Maxine Clark provides sage advice for retailers seeking to build a branded shopping experience.

Exh.D



All in the Family

This family-owned supermarket relies on its founding vision of innovation, quality, consistency, and a hands-on approach to managing a business.

Headquartered in Clifton, NJ, Corrado's Market is more than your average grocery store. It's the culmination of three generations' focus on building the family business on the foundation laid by founder Jimmy Corrado.

When Jimmy Corrado started his business in the 1960s, it was with one truck from which he sold wholesale goods, including fresh produce, flowers, and California juice grapes. Over the years, the truck's inventory grew, and Corrado eventually moved to the Patterson farmer's market.

Affair—the first iteration of what is now Corrado's Market, a bustling grocery store catering to Italian, Latin, and Arabic nationalities.

"There was a huge Italian population in Clifton years ago, but it's changed a lot," said Paul Corrado, owner, vice president, and grandson to founder Jimmy. "Now we have a lot of Spanish, Arabic, and Eastern European customers. Our Italian items still do very well here, but we have started to import from Turkey and Spain and Bulgaria—all different areas to accommodate the majority of people here."

PROFILE

Corrado's Market

Paul Corrado, owner and vice president

www.corradosmarket.com

HQ Clifton, NJ

Services Wholesale and retail specialty supermarket, garden center, wine and beer brewing, and gas station

From there, he acquired an abandoned supermarket in Clifton, fixed it up, and expanded his inventory to include cheese, eggs, and meats. By the mid 1970s, the business had grown from a small tent in the farmer's market to Corrado's Family

Spirit of innovation

That spirit of innovation has served the business well over the years. From its first store in Patterson, which primarily focused on produce, Corrado's Market has grown and now covers a 40-acre property. On those 40 acres, customers will find the 65,000-square-foot Corrado's Market, a wholesale warehouse,



a garden center, a home beer and wine making center, and a gas station with additional retail space.

In the supermarket, customers see aisles packed to capacity with imported specialty products, produce, fresh meat, fish, and deli and baked goods. "Any time you come to Corrado's Market, it's very cluttered," said Corrado. "Product is all over. Our motto is every square foot of the store is valuable, so don't leave anything open or empty. It's always got to be filled with massive, massive displays. That's just how we do it. No square foot goes unused in this establishment."

The 150,000-square-foot warehouse, which is across the street from the supermarket, helps Corrado's Market keep its prices consistently low by giving the family a place to store items it orders in bulk. With four walk-in refrigerator boxes, a state-of-the-art freezer that hold 230 pallets, 12 full-functioning

banana gas rooms, and hours stretching from 7 a.m. to 9 p.m., the warehouse enables Corrado's to offer its wholesale customers, such as restaurants, stores, pizzerias, and delis, the same customer service, quality, and low-cost goods as its supermarket.

The warehouse receives trailer deliveries of fresh produce from the US daily, fresh fish from markets in the area each morning, and fine cheese from around the world. "If I see the market or the Euro is going to jump, I try to make a little sense of how it will play out and use that information to decide when to buy and when not to," said Corrado.

In late 2007, Corrado's Market ventured into a new industry. With 40 trucks on the road for the wholesale delivery side of its business, when gas prices started rising and the lines to purchase gas started growing, the company purchased a local gas station to solve both problems. From there, the company



started offering its lower-priced gas to the public, and, today, the station pumps about 10,000 gallons a day.

"We bought that gas station to fill our own trucks, and from there we decided to put a cheap price out there because we're doing it on everything else we sell," Corrado said. "Especially in these hard economic times, with the gas prices fluctuating, it's just paid off."

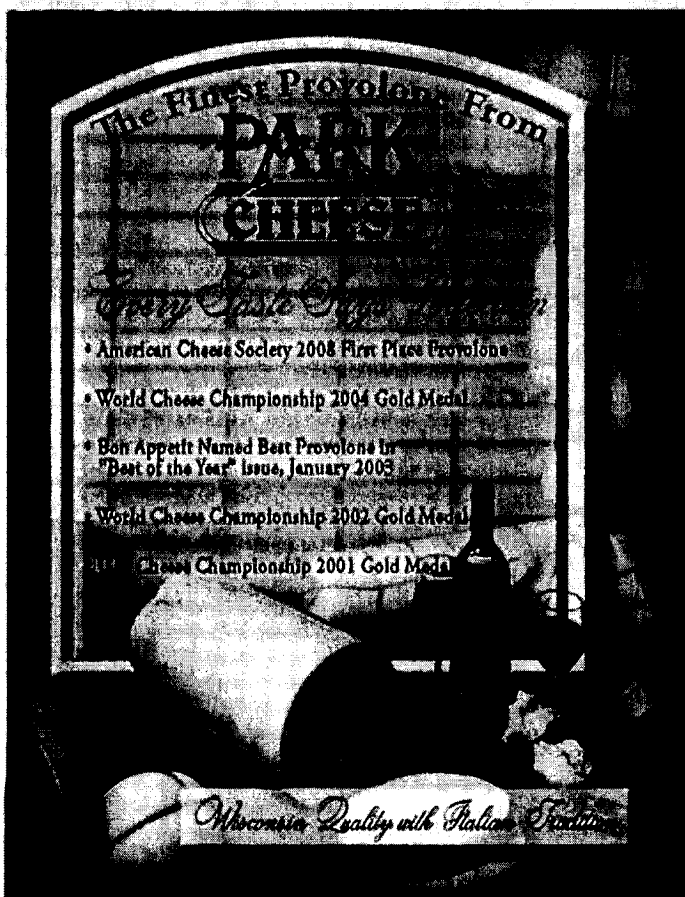
Secret of success

From 5 a.m. to 10 p.m., 364 days a year, any time customers come to Corrado's Market, they're sure to find a Corrado family

member there. As one of the third generation of Corrados to be in the family business, Paul even admits to pulling 70- to 75-hour workweeks, but he does it without complaint.

"I don't know how many chain stores you can go to and find the president or one of the owners of the shop actually working a register, doing a void, or dealing with the day-to-day operations," he said. "I interact with my employees all day long every day. I feel that has a lot to do with why we're successful today."

The philosophy continued to pay off in September when Corrado's Market opened its second location in Wayne, NJ.



Congratulations

Corrado's

on the success
of your new store!

We are proud to be
a member of your team.

LIND DESIGN

info@linddesign.com 718-463-1100

RETAIL STORE PLANNING • DESIGN • DECOR • GRAPHICS

Many of the customers who came to the Clifton store were from the Wayne area, and, after hearing requests to have a new Corrado's Market location, the family decided to expand.

And they were right on target. According to reports, when the doors opened at 7 a.m., customers had already been waiting for 30 minutes for a first glimpse of the new store. Located in an 88,000-square-foot shopping center the Corrado family purchased, the 40,000-square-foot Corrado's Market pays homage to its roots with posters dating back to the 1930s.

There are a few differences between the two locations, with more prepared foods and smaller containers of staples like olive oil at the Wayne Location. But the same low-price guarantee and customer service is a promise Corrado said the new location will keep.

"Our basic mentality throughout the years, from my grandfather down, is to have larger buying power and massive shows and displays, especially in produce," Corrado said. "We have cheaper prices, and we turn the product over quickly to maintain the freshest quality."

"My grandfather always said a fast nickel is better than a slow dime any day of the week," he continued. "That mentality was



instilled into my father and his two brothers, and then it came down to the seven grandsons who run the business today. That tight-knit family feel is how we keep the employees happy, how we take care of them, and how we make sure we're taking care of our customers." ☺

—Amanda Gaines

Haddon House Food Products, Inc. is a proud supplier to Corrado's Family Affair



The highest in-stocks
Personalized customer service
Dedicated responsiveness at store level
Marketing programs unequalled in the industry
Grocery, frozen, dairy delivered on one truck



Over 15,000 item selection
Authentic Ethnic food selection
Natural and Organic, including HBC
Largest selection of Kosher in the US
Domestic and Imported specialty products

Medford, New Jersey • Richburg, South Carolina • Howell, New Jersey
www.haddonhouse.com • 609-654-7901 • 800-257-6174

HOME

ONLINE STORE

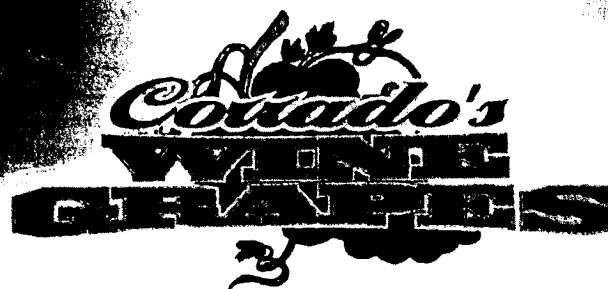
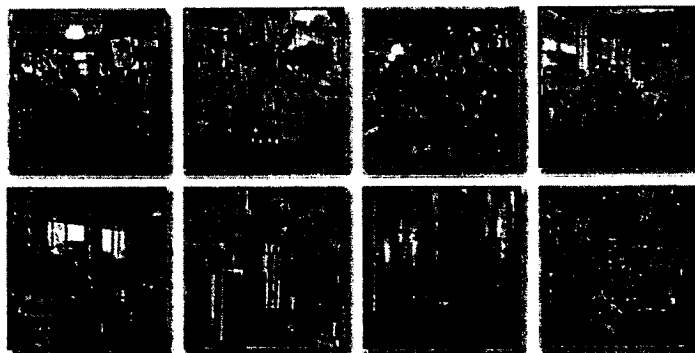
JOB
OPPORTUNITIESWINE
CONTESTCATERING
MENUNEWS &
MEDIA

CONTACT US



20

CORRADO'S HOME BEER & WINE MAKING CENTER

WINEMAKING & HOME BREWING
C E N T E R

YOUR #1 SOURCE
FOR ALL YOUR
HOME WINE &
BEER MAKING NEEDS

Corrado's Home Beer and Winemaking Center offers everything you need to become a skilled wine or beer maker! Come see our state-of-the-art equipment, supplies, and wine & beer paraphernalia! Talk with one of our knowledgeable staff-members about making beer or wine in your very own home!

CLICK ON THE THUMBNAILS ABOVE TO SEE MORE DETAIL



Exh. E

[HOME](#)[ONLINE STORE](#)[JOB
OPPORTUNITIES](#)[WINE
CONTEST](#)[CATERING
MENU](#)[NEWS &
MEDIA](#)[CONTACT US](#)

6

2012 WINEMAKING COMPETITION

[VIEW PICTURES
FROM OUR
LATEST EVENT](#)

[2012 RESULTS](#)

[2011 RESULTS](#)

[2010 RESULTS](#)

[PAST RESULTS](#)

We would like to congratulate this year's winner of the James Corrado Annual Winemaking Competition, Dr. Michael Milano. It was a great evening for all who participated and we are hoping for another great turnout for our 14th Annual Amateur Winemaking Competition.

13th James Corrado Annual
Amateur WineMaker of the Year
Dr. Michael Milano

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-03-23 14:16:23 ET

Serial Number: 85571466 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

CORRADO'S

(words only): CORRADO'S

Standard Character claim: Yes

Current Status: New application will be assigned to an examining attorney approximately 3 months after filing date.

Date of Status: 2012-03-20

Filing Date: 2012-03-16

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 042 -New Application Processing

Date In Location: 2012-03-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CORRADO'S WINES AND LIQUORS, INC.

Address:

CORRADO'S WINES AND LIQUORS, INC.

Exh. F

1578 MAIN AVE.
CLIFTON, NJ 07011
United States
Legal Entity Type: Corporation
State or Country of Incorporation: New Jersey

GOODS AND/OR SERVICES

International Class: 035
Class Status: Active
 Retail and wholesale store services featuring beer, wine and spirits; Retail and wholesale liquor store services
Basis: 1(a)
First Use Date: 1980-07-30
First Use in Commerce Date: 1980-07-30

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-03-20 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
SIEGMAR SILBER

Correspondent
SIEGMAR SILBER
SILBER & FRIDMAN
1037 ROUTE 46 EAST
SUITE 207
CLIFTON, NJ 07013
Phone Number: (973) 779-2580
Fax Number: (973) 779-4473

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CORRADO'S SPECIALTY GOODS, INC.)	
a New Jersey Corporation, Opposer	)	Opposition No.:
	)	Serial No.: 85/453,781
v.	)	Mark: CORRADO CAPUTO 1890
	)	Filed:
CAPUTO 1890 s.r.l.	)	Publication Date: April 3, 2012
a Corporation of the Italian Republic, Applicant)	

OPPOSITION

To the Hon. Commissioner of Patents and Trademarks:

In the matter of the application of **CAPUTO 1890 s.r.l.** (hereinafter called Applicant) for registration of the trademark **CORRADO CAPUTO 1890**, Application Serial No. 85/453,781 published in the *Official Gazette* of April 3, 2012. **CORRADO'S SPECIALTY GOODS, INC.**, a New Jersey Corporation, with offices at 1578 Main Avenue, Clifton, New Jersey 07011, (hereinafter called Opposer), believes that it will be damaged by registration of the mark shown in Serial No. 85/453,781 and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is and has been for many years engaged in the extensive production, promotion, advertising and sale of a wide variety of food products and, more specifically, a wide variety of wine-related products. In connection therewith Opposer has used in interstate commerce the trademark CORRADO'S, since January 2, 1973, well prior to Applicant's date of first use of the trademark CORRADO CAPUTO 1890.

2. Opposer owns federal trademark Registration Nos. 1,866,095 for the trademark CORRADO'S FAMILY AFFAIR for services in International Class 042, and 3,131,690 for the trademark CORRADO'S for Goods and Services in International Classes 029, 031, 032 and 035, namely:

MAILING CERTIFICATE

I hereby certify that this correspondence is being e-filed on the date sign below, or is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451

Signature: Siegmar Silber Date: July 25, 2012
SIEGMAR SILBER, 26,233

"retail store services featuring fresh fruit" [wine grapes, I.C. 042]; "fresh wine grapes" [I.C. 031]; and, "retail store featuring wine- and beer-making equipment" [I.C. 035]. True copies of said Registrations are attached hereto as Opposer's Exhibit A.

3. The Opposer hereof is part of the Corrado family enterprises which own CORRADO'S trademarks shown in Exhibit B. Additionally, another entity, Corrado's Wines and Liquors, Inc., is filing of even date herewith an Opposition to the registration of the CORRADO CAPUTO 1890 mark. For purposes of clarity, where both Opposers are discussed, the undersigned is referred to as "Opposer Specialty" and the wines and liquors store as "Opposer Wines and Liquors". The sale of wines under the brand CORRADO CAPUTO 1890 adds additional confusion as to source of goods as Applicant's goods would appear to be a private label of the wine store. See Exhibit C.

4. Opposer's goods bearing said CORRADO'S trademark have been extensively and continuously offered to the public through various channels of trade, including retail distribution and distribution to winemakers, both amateur and professional. Opposer has also extensively promoted its products and services under said trademarks throughout the United States in local media and trade publications. By reason of such promotion, advertising and distribution of Opposer's goods bearing said trademarks, the retail and wholesale publics have come to recognize CORRADO'S as signifying the Opposer as the source for wine grapes and wine-making equipment and as the sponsor of annual wine-making competitions. See Exhibits D and E. Further, Opposer has created extensive good will in connection with the sale of goods and services under its said trademarks.

5. Notwithstanding Opposer's prior rights in and to said trademarks, Applicant on information and belief on October 12, 2011 filed an application for registration of the trademark CORRADO CAPUTO 1890 for goods, namely,

in International Class: 033 : wines

said Application was provided Serial No. 85/453,781 and the mark was published for opposition in the **Official Gazette** of April 3, 2012.

6. Registration of the proposed mark should be refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 1,866,095 and 3,131,690 and in Application No. 85/571,466. Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 *et seq.* See the enclosed registration. Trademark Act Section 2(d) bars registration where an applied-for mark so resembles a registered mark that it is likely, when applied to the goods and/or services, to cause confusion, mistake or to deceive the potential consumer as to the source of the goods and/or services. TMEP §1207.01. The Court in ***In re E. I. DuPont de Nemours & Co.***, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), listed the principal factors to consider in determining whether there is a likelihood of confusion. Among these factors are the similarity of the marks as to appearance, sound, meaning and commercial impression, and the relatedness of the goods and/or services. The overriding concern is to prevent buyer confusion as to the source of the goods and/or services. ***In re Shell Oil Co.***, 992 F.2d 1204, 1208, 26USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt as to the existence of a likelihood of

confusion must be resolved in favor of the registrant. *In re Hyper Shoppes (Ohio), Inc.*, 837F2d 840, 6 USPQ2d 1025 (Fed. Cir. 1988); *Lone Star Mfg C. v Bill Beasley, Inc.* 498 F.2d 906, 182 USPQ 368 (C.C.P.A. 1974).

7. It is noted that in addition Opposer Specialty has appended Application No. 85/571,466 which is owned by a related entity, Opposer Wines and Liquors. See Exhibit F.

8. The marks are similar in appearance, sound, connotation and commercial impression. The first word in the applicant's mark, CORRADO, is very similar to the first word in Reg. Nos. 1,866,095 and 3,131,690, i.e. CORRADO'S, and to the word that comprises the mark in the other cited application, Application No 85/571,466, i.e., CORRADO'S. The fact that CORRADO in the applicant's mark is not in possessive form while the corresponding portions of the cited marks are in possessive form is a minor difference that does not obviate the likelihood of confusion.

9. Furthermore, in Reg. No. 1,866,095, CORRADO'S is followed by other wording, i.e., FAMILY AFFAIR, does not overcome the likelihood of confusion. The mere deletion of wording from a registered mark is not sufficient to overcome a likelihood of confusion under Section 2(d). See *In re Optica Int'l.*, 196 USPQ 775 (TTAB 1977) (where applicant filed to register the mark OPTIQUE for optical wear, deletion of the term BOUTIQUE is insufficient to distinguish the mark, *per se*, from the registered mark OPTIQUE BOUTIQUE when used in connection with competing optical wear). In the present case, the wording in applicant's mark does not create a distinct commercial impression because it contains the same common wording as registrant's mark, and the other wording does not distinguish it from registrant's mark.

10. Additionally, the inclusion in Applicant's mark of letters in stylized form while the cited marks are simply typed marks does not obviate the likelihood of confusion. When a mark consists of a word portion and a design portion, the word portion is more likely to be impressed upon a purchaser's memory and to be used in calling for the goods and services. Therefore, the word portion is normally accorded greater weight in determining likelihood of confusion. *In re Dakin's Miniatures Inc.*, 59 USPQ 2d, 1596 (TTAB 1999); *In re Appetito Provisions Co.*, 3 USPQ2d 1553 (TTAB 1987); *Amoco Oil Co v. Amerco, Inc.*, 192 USPQ 729 (TTAB 1976); TMEP §1207.01(c)(ii).

11. Furthermore, the goods and/or services in conjunction with which the marks are used or are intended to be used are identical or are related. Here, Opposer posits that wines of Applicant are related to wine grapes, wine-making equipment and wine competitions of Opposer. When the oppositions of the Corrado family enterprises, namely that by Opposer Specialty and by Opposer Wines and Liquors, are taken together the Opposers' position is strengthened as "retail and wholesale store services featuring wine" is added. It is noted that food products and food-related services have been considered related goods and services under Section 2(d). Here the relationship comparison is analogous, namely, between wines and wine grapes, wine-making equipment and retail services in connection therewith. *In re H.J. Seiler Co.*, 289 F.2d 674, 129 USPQ 347 (C.C.P.A. 1961) (likelihood of confusion between SEILER'S catering services and SEILER'S smoked and cured meats); *In re Opus One Inc.*, 60 USPQ2d 1812 (TTAB 2001) (likelihood of confusion between OPUS ONE for restaurant services and the identical mark for

wine); *In re Comexa Ltda.*, 60 USPQ2d 1118 (TTAB 2001) (likelihood of confusion between AMAZON for restaurant services and AMAZON and design for chili sauce and pepper sauce); *In re Azteca Restaurant Enterprises, Inc.*, 50 USPQ2d 1209 (TTAB 1999) (AZTECA MEXICAN RESTAURANT for restaurant services held likely to be confused with AZTECA for Mexican food products); *In re Golden Griddle Pancake House Ltd.*, 17 USPQ2d 1074 (TTAB 1990) (GOLDEN GRIDDLE PANCAKE HOUSE for restaurant services held likely to be confused with GOLDEN GRIDDLE for table syrup); *In re Mucky Duck Mustard Co. Inc.*, 6 USPQ2d 1467 (TTAB 1988) (likelihood of confusion between MUCKY DUCK with duck design used on mustard and MUCKY DUCK with duck design used on restaurant services); *In re Appetito Provisions Co Inc.*, 3 USPQ2d 1553 (TTAB 1987) (likelihood of confusion between APPETITO and design used on Italian sausage and A APPETITO'S with sandwich design used on restaurant services); *In re Best Western Family Steak House, Inc.*, 222 USPQ 827 (TTAB 1984) (likelihood of confusion between BEEFMASTER used on restaurant services and BEEF MASTER used on frankfurters and bologna); *Roush Bakery Prods. Co v. Ridlen*, 190 USPQ 445 (TTAB 1976) (likelihood of confusion between HILLBILLY and design used on bread and HILLBILLY RESTAURANT used on restaurant services); *In re Pick-N-Pay Supermarkets, Inc.*, 185 USPQ 172 (TTAB 1974) (likelihood of confusion between PICK-N-PAY used on grocery items and supermarket services and PIK-N-PAY used on cafeteria services.

WHEREFORE, Opposer believes that it will be damaged by said registration and prays that it be **denied**.

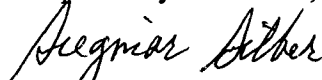
This Opposition is being submitted in triplicate as required by 37 C.F.R. §2.102(d).

The filing fee of this Opposition in the amount of \$300.00 is enclosed.

Please respond to:

Siegmar Silber, Esq.
SILBER & FRIDMAN
1037 Route 46 East, Suite 207
Clifton, New Jersey 07013
Tel: (973) 779-2580 Fax: (973) 779-4473

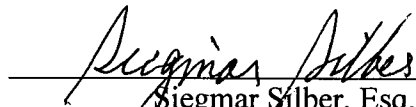
Respectfully submitted,


Siegmar Silber, Esq.
Registration No. 26,233
Attorney for Opposer

CERTIFICATION

I, Siegmar Silber, Attorney for Opposer, hereby certify that a copy of the above Opposition has been mailed to the Applicant's representative.

Date: July 25, 2012


Siegmar Silber, Esq.
Attorney for Opposer

tmapps/corrados301opposition.notice

Int. Cl.: 42

Prior U.S. Cl.: 101

United States Patent and Trademark Office

Reg. No. 1,866,095

Registered Dec. 6, 1994

**SERVICE MARK
PRINCIPAL REGISTER**

CORRADO'S FAMILY AFFAIR

CORRADO'S SPECIALTY GOODS, INC. (NEW
JERSEY CORPORATION)
1578 MAIN AVENUE
CLIFTON, NJ 07011

FOR: RETAIL STORE SERVICES FEATUR-
ING FRESH FRUITS AND VEGETABLES,
BAKED GOODS, FRESH FISH AND MEATS,
SPECIALTY FOODSTUFFS; NAMELY, DOMES-
TIC AND IMPORTED TEAS, COFFEES,

CHEESES, AND LUNCHEON MEATS, IN
CLASS 42 (U.S. CL. 101).

FIRST USE 1-4-1960; IN COMMERCE
1-4-1960.

"CORRADO" IDENTIFIES A LIVING INDI-
VIDUAL WHOSE CONSENT IS OF RECORD.

SER. NO. 74-468,950, FILED 12-13-1993.

EVERETT FRUEHLING, EXAMINING ATTOR-
NEY

Exh. A

Int. Cls.: 29, 31, 32 and 35

Prior U.S. Cls.: 1, 45, 46, 48, 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,131,690

Registered Aug. 22, 2006

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

CORRADO'S

CORRADO'S SPECIALTY GOODS, INC. (NEW
JERSEY CORPORATION)
1578 MAIN AVENUE
CLIFTON, NJ 07011

FOR: CHEESE PRODUCTS, NAMELY, WHOLE-MILK AND PART-SKIM MILK MOZZARELLA, AND WHOLE-MILK AND PART-SKIM MILK RICOTTA; PROCESSED VEGETABLES, NAMELY, CANNED STRAW MUSHROOM; CANNED BEANS, NAMELY, RED KIDNEY BEANS, CANNALINNI BEANS, AND CHICK PEAS; AND, PROCESSED TOMATO PRODUCTS, NAMELY, PEELED TOMATOES, CRUSHED TOMATOES, TOMATO PUREE, TOMATO PASTE; APPETIZERS AND CONDIMENTS, NAMELY, BLACK OLIVE PATE, ROASTED PEPPERS, AND BOTTLED AND CANNED RIPE OLIVES; COOKING AND SALAD OILS, NAMELY, VIRGIN OLIVE OIL; CORN OIL, BLENDED OIL, AND SALAD OIL; MEAT PRODUCTS, NAMELY, PACKAGED MEATS, CHICKEN PARTS, BACON BITS, SMOKED AND CURED HAMS, SOPRESATTA SWEET, SOPRESATTA HOT, CAPPICOLA SWEET, CAPPICOLA HOT, MILANO SALAMI, AND NOSTRANO SALAMI, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: GOODS FOR LANDSCAPING, NAMELY, LIVING PLANTS, SEEDLINGS, SOD, LIVE TREES AND BUSHES, MULCH, TOP SOIL, RAW BARK, FLOWER SEEDS AND BULBS, LIVE FLOWERING PLANTS, GRASS SEED, WREATHS OF DRIED FLOWERS AND CUT LIVE FLOWERS; CUT CHRISTMAS TREES; PRODUCE, NAMELY, FRESH FRUITS AND VEGETABLES; AND, FRESH WINE GRAPES, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: SPRING WATER; MINERAL WATER; APPLE JUICE BEVERAGES AND SWEET CIDER; SELTZER WATER; AND, FRUIT JUICES AND FRUIT-FLAVORED SELTZER WATER, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

FOR: RETAIL STORE FEATURING WINE AND BEER-MAKING EQUIPMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-2-1973; IN COMMERCE 1-2-1973.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,866,095, 1,932,689 AND OTHERS.

APPLICATION INCORPORATES BY REFERENCE THE CONSENT FROM MR. PETER CORRADO BY WHICH CONSENT THE SURNAME IS USED IN THE MARK HEREOF.

SEC. 2(F).

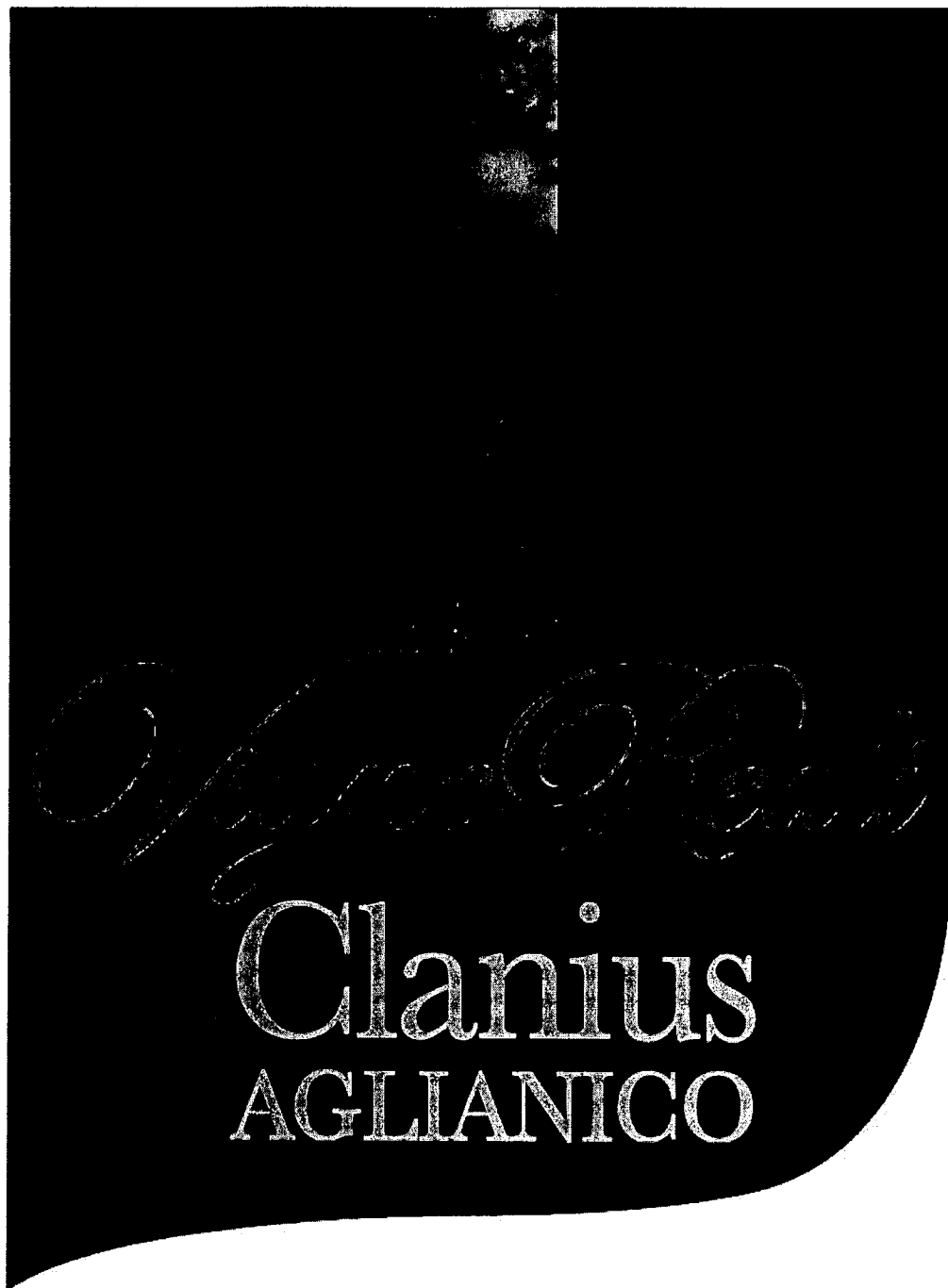
SER. NO. 76-630,310, FILED 2-3-2005.

STEVEN JACKSON, EXAMINING ATTORNEY

CORRADO'S MARKS OWNED BY CORRADO'S FAMILY ENTERPRISES

<u>Mark</u>	<u>Reg. No.</u>	<u>App. No.</u>	<u>Int'l. Cl.</u>	<u>Owning Entity</u>
Corrado's	N/A	85/571,466	035	Corrado's Wines & Liquors, Inc.
Corrado's	3,131,690	76/630,310	029, 031, 032, 035	Corrado's Specialty Goods, Inc.
Corrado's	3,895,797	76/702,835	035	Corrado's Garden Center, Inc.
Corrado's	3,858,629	76/700,070	035	Corrado's Pet Market, LLC
Corrado's	3,694,478	76,687,571	004	Corrado's Specialty Goods, Inc.
Corrado's	3,570,993	76/684,822	004, 037	CFA Gas, Inc.
Corrado's	1,883,758	74/468,951	030	Corrado's Specialty Goods, Inc.
Corrado's Family Affair	1,866,095	74/468,950	042	Corrado's Specialty Goods, Inc.

Exh. B



Exh. C

100th Anniversary of the National Association of Food Manufacturers • Market Pricing Report • Asian Market Update

ALSO INSIDE
ANNUAL PRODUCE
FOODSERVICE PORTFOLIO
Starts on Page 99

produce business

TOP Taste Trends

The role of produce on America's
menus is growing exponentially.

Exh.D

ALSO INSIDE:
New York Regional Market Profile 2007
Starts on Page 43

Bernard's
WINDMILL & WINE

Corrado's Family Affair

In an era when independent supermarkets struggle to survive, Conrado's does not. Five — 11 million

Beitrag zur Boss-Liebe

[illegible]

and the fact that the 1990s have been a decade of economic growth and technological change, it is not surprising that the 1990s have been a decade of economic growth and technological change.

The original 200 and then are now waiting for the chance to open a system Ontario in order with brothers in the "dark" world from everywhere -- the foundation, and Jean Yung.

Outside the main doors to the retail store, shoppers sometimes do notice beautiful, colorful displays of produce. Inside, produce takes up one-third of the store. It takes 71 people working in the produce department alone to keep things running as smoothly as they can here. This area of New York's midtown, for upscale shopping, the high-end produce sold at domestic is a huge draw for customers. "Everybody loves produce," he relates. "Everybody has to. We make it convenient for everyone here."

1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 26

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

Figure 1 is a line graph showing the percentage of total energy expenditure (TEE) for different activities over a 24-hour period. The Y-axis is labeled 'Percentage of TEE' and ranges from 0 to 100 in increments of 20. The X-axis is labeled 'Time of Day' and ranges from 0 to 24 in increments of 2. Five activities are plotted: Sleeping (blue line), Resting (green line), Standing (red line), Walking (orange line), and Running (purple line). Sleeping starts at ~80% at 0h, drops to ~60% by 2h, and remains relatively stable until 6h, then gradually decreases to ~40% by 24h. Resting starts at ~20% at 0h, peaks at ~40% around 12h, and then decreases to ~10% by 24h. Standing starts at ~10% at 0h, peaks at ~30% around 12h, and then decreases to ~10% by 24h. Walking starts at ~10% at 0h, peaks at ~30% around 12h, and then decreases to ~10% by 24h. Running starts at ~10% at 0h, peaks at ~10% around 12h, and then decreases to ~10% by 24h.

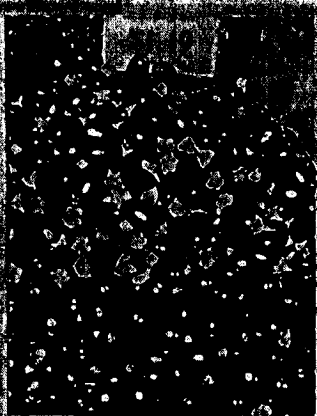
2. The following information is being furnished to you for your information only. It is not to be used for any other purpose.

Figure 6. The effect of the number of iterations on the accuracy of the proposed algorithm. The figure shows two plots side-by-side. The left plot shows the accuracy of the proposed algorithm (in %) versus the number of iterations (from 0 to 100). The right plot shows the accuracy of the proposed algorithm (in %) versus the number of iterations (from 0 to 100).

THE UNIVERSITY OF CHICAGO

[illegible]

While 99 percent of the products comes from the U.S., the most important ingredients come from the Heart of China, including Market in the Square. Not during the summer months, Canada's stocks the further, because possible by buying wherever it was. The locally made products are the highest quality and the best every day.



The concern for freshness carries over to our produce. Customers can watch as a worker behind glass cuts fruit, packs it and places it on display. In addition to being



During the summer months, Corrado's stocks the freshest produce possible by buying whatever is available locally.

fresh, the produce displayed is also at its peak ripeness. To ensure this, Corrado's has its own ripening and gassing rooms.

While what can be found in the produce section may be surprising, what cannot be found is just as interesting. "You don't see too many paper products here," says Jerry. "No soap."

And, adds Joe, except for produce. "There are no staple items. It's all specialty." Below a ceiling made of specialty meats and cheeses, an international deli section caters to those with a nose for quality. Mozzarella, for example, is made in-store for optimum freshness, and other specialty items are shipped in from around the world. Other sections of the store offer items such as,

high quality fresh meat, fresh fish, frozen items (including an entire aisle of organic-label imported pastas and wines).

Supplying The Trade

Across the street is the 200,000 square foot wholesale store. Although it has 30 delivery trucks serving services to local restaurants, many of the items are for "home use." And the bush and bush. "It's like a mini-Penn. Market, but here in the morning, most for home use."

Inside, shelves are cranked high with more specialty items, such as bottles of olive oil, olive oil and peppers from Spain and Italy. The wholesale produce is sold in bulk — not packaged — and a store manager picks and chooses the best. "We're doing boxes of everything from tomatoes to tomatoes themselves."

The store also offers canned tomatoes for New Jersey's nationally famous tomatoes. Jerry estimates that the brothers sell about 20,000 bushels of plum tomatoes for canning each year.

At the adjacent garden center, landscapers and homeowners alike can get everything from rose bushes to plum trees to fountains and pottery imported from Italy. The area stays active even after summer ends. "During Halloween, it's all pumpkins. Christmas, it's all Christmas trees," says Jerry.

An Amateur Winemaker's Paradise

Winemaking is a growing hobby, and Corrado's — which offered wine grapes from its beginning — has everything an amateur could want to make several types of wine, plus beer. "We sell the hops, we sell the

grapes, we sell the juice and all the possible equipment. Hardware, wine, speakers, beer. There are a lot of things we could be doing, working here to help you through it."

Winemakers can choose from several varietals of grapes. "Our famous wine-making regions, such as Napa and Sonoma, which are well-known to most people, but we have other varieties that are good for aging and can be used to make better wine than purchase."

The store is known for its annual wine-making competition, held each year. "We get about 500 entries each year," says Jerry. "The American Wine Society, based in Lawrenceville, Ga., and some individuals help judge it."

An estimated 100 people attend the year's competition. "It's a big party, and during the time, come to the booths and taste wines."

Corrado's
1578 Main Avenue
Clifton, NJ 07011
800-232-6758



Hours

Monday, Tuesday,
Wednesday & Saturday
5:00 AM - 9:00 PM
Thursday & Friday
5:00 AM - 10:00 PM
Sunday
5:00 AM - 8:00 PM

THE LOOK: Toys 'R' Us

SPECIAL REPORT: Retail Review & Outlook

Jan./Feb. 2009

Retail Merchandiser

retail-merchandiser.com

Category Insight:
Gamers

CES Wrap:
Quality Over Quantity

Retail Tech:
Retail-Based Kiosks

Marketing:
The Affinity Cloud

Building an Experience

Build-A-Bear Workshop's founder and CEO Maxine Clark provides sage advice for retailers seeking to build a branded shopping experience.

Exh.D

All in the Family

This family-owned supermarket relies on its founding vision of innovation, quality, consistency, and a hands-on approach to managing a business.

Headquartered in Clifton, NJ, Corrado's Market is more than your average grocery store. It's the culmination of three generations' focus on building the family business on the foundation laid by founder Jimmy Corrado.

When Jimmy Corrado started his business in the 1960s, it was with one truck from which he sold wholesale goods, including fresh produce, flowers, and California juice grapes. Over the years, the truck's inventory grew, and Corrado eventually moved to the Patterson farmer's market.

Affair—the first iteration of what is now Corrado's Market, a bustling grocery store catering to Italian, Latin, and Arabic nationalities.

"There was a huge Italian population in Clifton years ago, but it's changed a lot," said Paul Corrado, owner, vice president, and grandson to founder Jimmy. "Now we have a lot of Spanish, Arabic, and Eastern European customers. Our Italian items still do very well here, but we have started to import from Turkey and Spain and Bulgaria—all different areas to accommodate the majority of people here."

PROFILE

Corrado's Market

Paul Corrado, owner and vice president

www.corradomarket.com

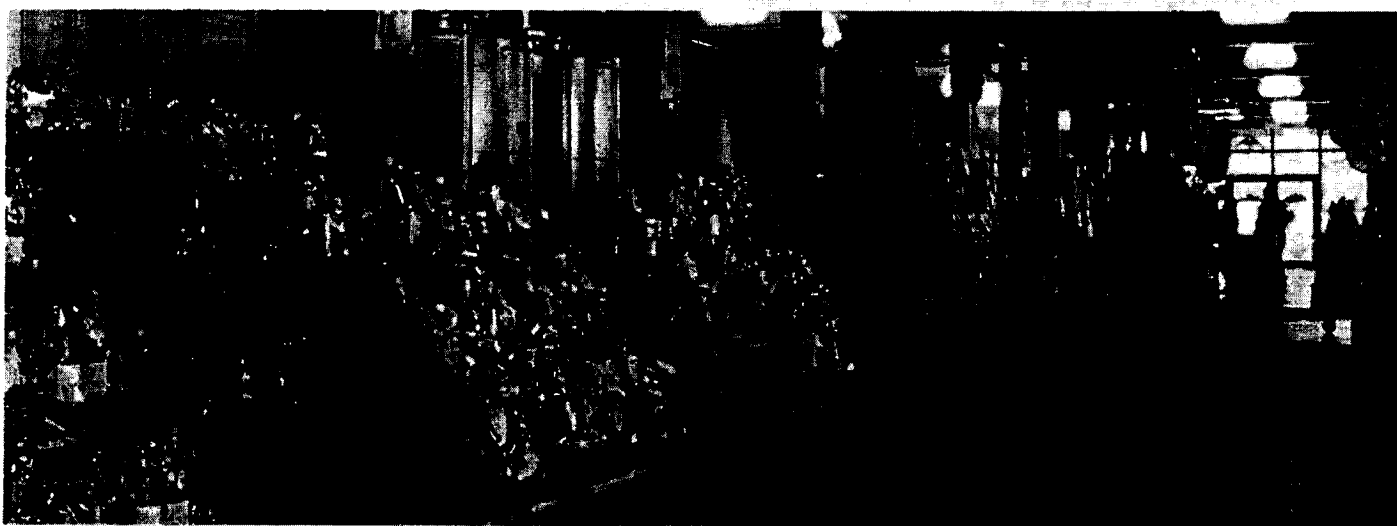
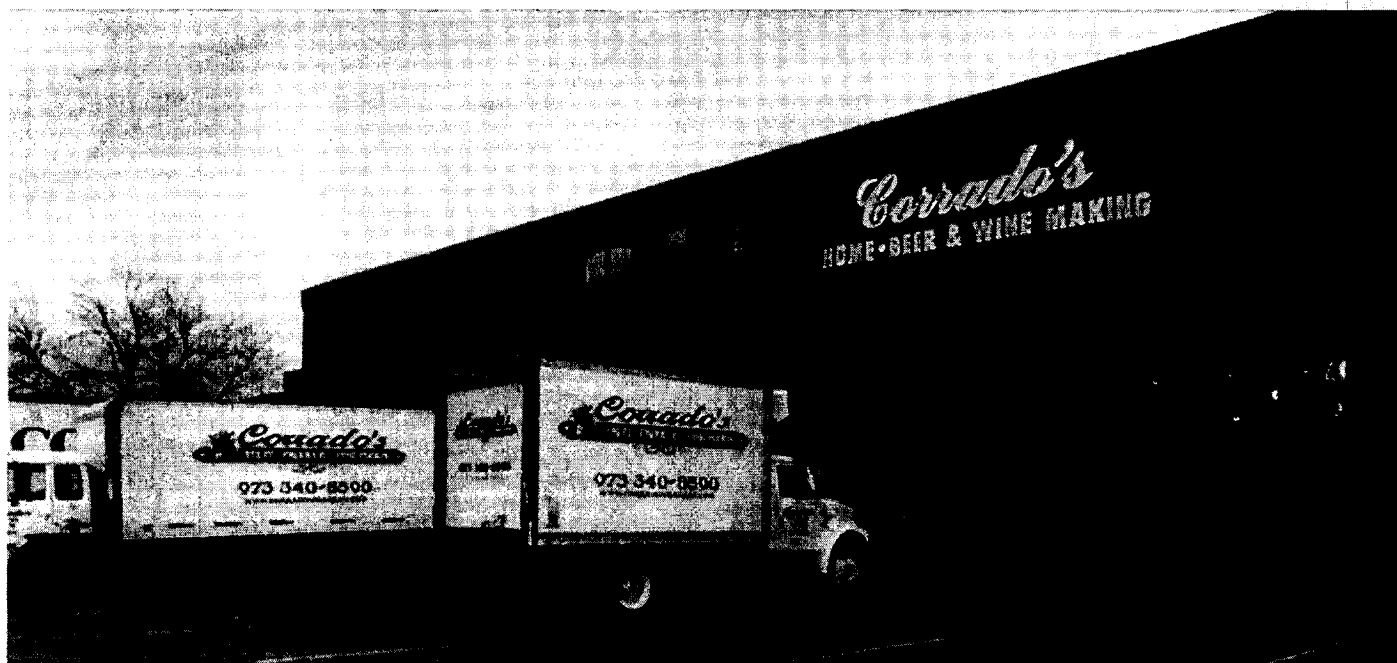
HQ Clifton, NJ

Services Wholesale and retail specialty supermarket, garden center, wine and beer brewing, and gas station

From there, he acquired an abandoned supermarket in Clifton, fixed it up, and expanded his inventory to include cheese, eggs, and meats. By the mid 1970s, the business had grown from a small tent in the farmer's market to Corrado's Family

Spirit of innovation

That spirit of innovation has served the business well over the years. From its first store in Patterson, which primarily focused on produce, Corrado's Market has grown and now covers a 40-acre property. On those 40 acres, customers will find the 65,000-square-foot Corrado's Market, a wholesale warehouse,



a garden center, a home beer and wine making center, and a gas station with additional retail space.

In the supermarket, customers see aisles packed to capacity with imported specialty products, produce, fresh meat, fish, and deli and baked goods. "Any time you come to Corrado's Market, it's very cluttered," said Corrado. "Product is all over. Our motto is every square foot of the store is valuable, so don't leave anything open or empty. It's always got to be filled with massive, massive displays. That's just how we do it. No square foot goes unused in this establishment."

The 150,000-square-foot warehouse, which is across the street from the supermarket, helps Corrado's Market keep its prices consistently low by giving the family a place to store items it orders in bulk. With four walk-in refrigerator boxes, a state-of-the-art freezer that hold 230 pallets, 12 full-functioning

banana gas rooms, and hours stretching from 7 a.m. to 9 p.m., the warehouse enables Corrado's to offer its wholesale customers, such as restaurants, stores, pizzerias, and delis, the same customer service, quality, and low-cost goods as its supermarket.

The warehouse receives trailer deliveries of fresh produce from the US daily, fresh fish from markets in the area each morning, and fine cheese from around the world. "If I see the market or the Euro is going to jump, I try to make a little sense of how it will play out and use that information to decide when to buy and when not to," said Corrado.

In late 2007, Corrado's Market ventured into a new industry. With 40 trucks on the road for the wholesale delivery side of its business, when gas prices started rising and the lines to purchase gas started growing, the company purchased a local gas station to solve both problems. From there, the company



started offering its lower-priced gas to the public, and, today, the station pumps about 10,000 gallons a day.

"We bought that gas station to fill our own trucks, and from there we decided to put a cheap price out there because we're doing it on everything else we sell," Corrado said. "Especially in these hard economic times, with the gas prices fluctuating, it's just paid off."

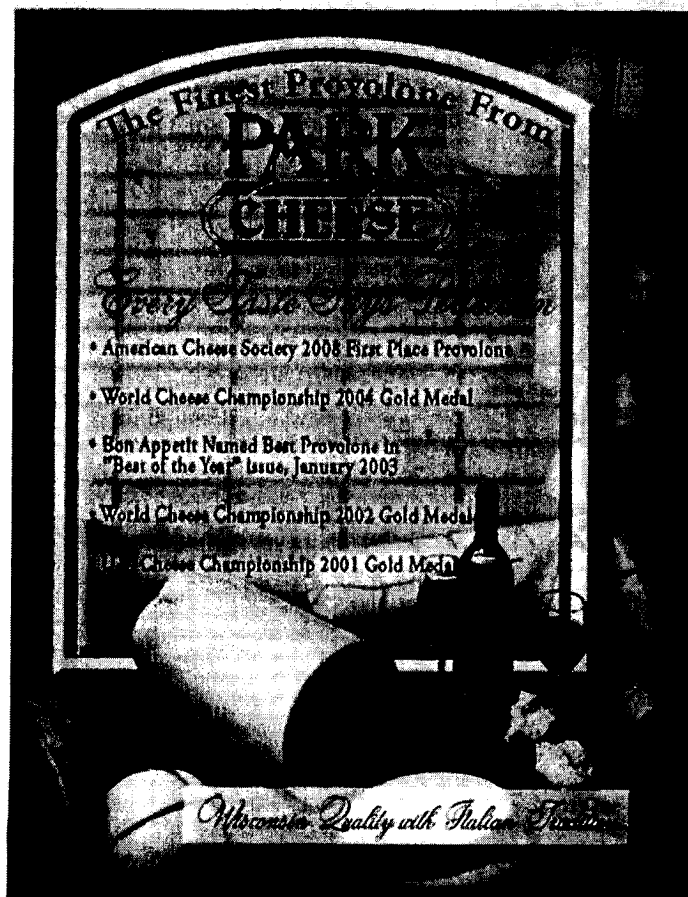
Secret of success

From 5 a.m. to 10 p.m., 364 days a year, any time customers come to Corrado's Market, they're sure to find a Corrado family

member there. As one of the third generation of Corrados to be in the family business, Paul even admits to pulling 70- to 75-hour workweeks, but he does it without complaint.

"I don't know how many chain stores you can go to and find the president or one of the owners of the shop actually working a register, doing a void, or dealing with the day-to-day operations," he said. "I interact with my employees all day long every day. I feel that has a lot to do with why we're successful today."

The philosophy continued to pay off in September when Corrado's Market opened its second location in Wayne, NJ.



Congratulations



on the success
of your new store!

We are proud to be
a member of your team.

LIND DESIGN

info@linddesign.com 718-463-1100

RETAIL STORE PLANNING • DESIGN • DECOR • GRAPHICS

Many of the customers who came to the Clifton store were from the Wayne area, and, after hearing requests to have a new Corrado's Market location, the family decided to expand.

And they were right on target. According to reports, when the doors opened at 7 a.m., customers had already been waiting for 30 minutes for a first glimpse of the new store. Located in an 88,000-square-foot shopping center the Corrado family purchased, the 40,000-square-foot Corrado's Market pays homage to its roots with posters dating back to the 1930s.

There are a few differences between the two locations, with more prepared foods and smaller containers of staples like olive oil at the Wayne Location. But the same low-price guarantee and customer service is a promise Corrado said the new location will keep.

"Our basic mentality throughout the years, from my grandfather down, is to have larger buying power and massive shows and displays, especially in produce," Corrado said. "We have cheaper prices, and we turn the product over quickly to maintain the freshest quality."

"My grandfather always said a fast nickel is better than a slow dime any day of the week," he continued. "That mentality was



instilled into my father and his two brothers, and then it came down to the seven grandsons who run the business today. That tight-knit family feel is how we keep the employees happy, how we take care of them, and how we make sure we're taking care of our customers." ☺

—Amanda Gaines

Haddon House Food Products, Inc. is a proud supplier to Corrado's Family Affair

The highest in-stocks
Personalized customer service
Dedicated responsiveness at store level
Marketing programs unequalled in the industry
Grocery, frozen, dairy delivered on one truck

Over 15,000 item selection
Authentic Ethnic food selection
Natural and Organic, including HBC
Largest selection of Kosher in the US
Domestic and Imported specialty products



Medford, New Jersey • Richburg, South Carolina • Howell, New Jersey
www.haddonhouse.com • 609-654-7901 • 800-257-6174

HOME

ONLINE STORE

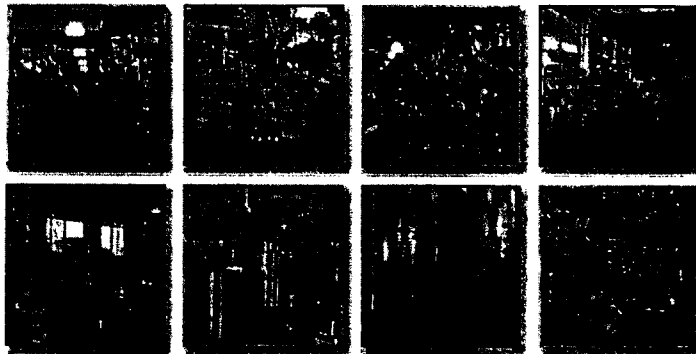
JOB
OPPORTUNITIESWINE
CONTESTCATERING
MENUNEWS &
MEDIA

CONTACT US



20

CORRADO'S HOME BEER & WINE MAKING CENTER

WINEMAKING & HOME BREWING
C E N T E R

A CLICK ON THE THUMBNAILS ABOVE TO SEE MORE DETAIL

YOUR #1 SOURCE
FOR ALL YOUR
HOME WINE &
BEER MAKING NEEDS

Corrado's Home Beer and Winemaking Center offers everything you need to become a skilled wine or beer maker! Come see our state-of-the art equipment, supplies, and wine & beer paraphernalia! Talk with one of our knowledgeable staff-members about making beer or wine in your very own home!



Exh. E

[HOME](#)[ONLINE STORE](#)[JOB
OPPORTUNITIES](#)[WINE
CONTEST](#)[CATERING
MENU](#)[NEWS &
MEDIA](#)[CONTACT US](#)

6

2012 WINEMAKING COMPETITION

[VIEW PICTURES
FROM OUR
LATEST EVENT](#)

[2012 RESULTS](#)[2011 RESULTS](#)[2010 RESULTS](#)[PAST RESULTS](#)

We would like to congratulate this years winner of the James Corrado Annual Winemaking Competition, Dr. Michael Milano. It was a great evening for all who participated and we are hoping for another great turnout for our 14th Annual Amateur Winemaking Competition.

13th James Corrado Annual
Amateur WineMaker of the Year
Dr. Michael Milano

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-03-23 14:16:23 ET

Serial Number: 85571466 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

CORRADO'S

(words only): CORRADO'S

Standard Character claim: Yes

Current Status: New application will be assigned to an examining attorney approximately 3 months after filing date.

Date of Status: 2012-03-20

Filing Date: 2012-03-16

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 042 -New Application Processing

Date In Location: 2012-03-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CORRADO'S WINES AND LIQUORS, INC.

Address:

CORRADO'S WINES AND LIQUORS, INC.

Exh.F

1578 MAIN AVE.
CLIFTON, NJ 07011
United States
Legal Entity Type: Corporation
State or Country of Incorporation: New Jersey

GOODS AND/OR SERVICES

International Class: 035

Class Status: Active

Retail and wholesale store services featuring beer, wine and spirits; Retail and wholesale liquor store services

Basis: 1(a)

First Use Date: 1980-07-30

First Use in Commerce Date: 1980-07-30

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-03-20 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

SIEGMAR SILBER

Correspondent

SIEGMAR SILBER

SILBER & FRIDMAN

1037 ROUTE 46 EAST

SUITE 207

CLIFTON, NJ 07013

Phone Number: (973) 779-2580

Fax Number: (973) 779-4473
